A TREATISE OF VSVRIE,

DIVIDED INTO THREE BOOKES:

The first defineth what is Vsurie.
The second determineth that to be vnlawfull.
The third remoueth such motiues as perswade men in this age that it may be lawfull.

By ROGER FENTON Bachelar of Diuinitie.

Chrysost. super Matth.

Fœnerare, non fratri, sed Domino. Hæ enim vsuræ regnum; illæ Gehennam præparant.

AT LONDON
Imprinted by FELIX KYNGSTON, for *VVilliam Aspley.* 1611.

TO THE RIGHT HONORABLE SIR THOMAS EGERTON, KNIGHT,

Baron of *Elleſmere*, Lord high Chancellor of England, one of his Maieſties right Honorable priuie Counſell, and my *ſingular good Lord.*

RIght Honorable: the queſtions and controuerſies wherewith the Church is in continuall trauell, and which do make our pens ſo rheumatike in this writing age; be for the moſt part, matters of ſpeculation, reſiding in the braine, the coldeſt region of the little world; and diſſoluing Religion into matter of diſcourſe, not of deuotion. For euery mans Quære is, not as of old, in the daies of [a] *John Baptiſt*, of [b] Chriſt, of his [c] Apoſtles, *VVhat ſhall we*

[a] Luk. 3. 10
[b] Luk. 10. 27.
[c] Act. 2. 34.

we doe? but what shall we thinke? As if the Gospell were not *Christiana lex*, but *Christianum dogma*. Whereas cases of conscience, doe sleepe with conscience, which of all questions are most profitable, and least regarded: so loth are men to restraine affection, and limit their actions. Yet of all such cases this of Vsurie hath most need to be reuiued. For in this, the custome of sinning doth not onely take away the sense, but the acknowledgement of sinne: so as the meere practise of it, hath made an apologie for it; without either sound reason, or good authoritie.

This very inducement which perswadeth others that vsurie is lawfull, hath moued me to write against it, fearing the losse, not onely of so much truth (which I would willingly helpe to redeeme:) but of so many soules amongst whom I liue. So farre therefore I doe presume in this businesse to *trouble Israel*, as to tell the people what is the truth in this point, and the perill of their practise. Wherin they haue so intangled themselues, that they know not well how

1. King. 18 18.

how to leaue it. If wee then cannot deuiſe to make that good, which they haue made neceſſarie, they will be angrie. Seeing them then thus ſecurely to lull their conſciences, I am bold a little to diſquiet them.

A buſineſſe ſo thankleſſe, and diſtaſtfull as this muſt needes be, (right Honorable and my ſingular good Lord) doth require a worthie Patron. And of whom may I deſire the patronage of my labours, but of your Honour? whoſe I am, and to whom I owe all dutie and ſeruice. Of whom ſhould I deſire the patronage of theſe labours, but of your Honour? who are in place to reforme this ſinne, more by the very countenance of Authoritie, then wee can with all our endeuours. From whom can I receiue more encouragement in theſe labours, then from your Honour? whoſe integritie hath manifeſted it ſelfe with zeale againſt this ſinne: whoſe iudgement will not bee blinded with thoſe forged diſtinctions of *poore* and *rich borrowers*: of *toothleſſe* and *biting vſurie*, &c.

Let theſe poore endeuours then finde fauour

fauour in your eyes; not for their owne sake, being vnworthie: but for the cause which I haue in hand. It is the cause of God, and the common good, worthie so honorable a Patron. Whom I beseech the Almightie long to preserue, a protector of good causes in conscience and equitie.

Your Honors most bounden and dutifull Chaplaine,

Roger Fenton.

THE PREFACE TO THE CHRISTIAN READER.

GEntle Reader; thy gentleneſſe and patience is much exerciſed in theſe times, with the multitude of bookes; which men ſay they bee commonly forced to put vpon thee by the importunity of their friends. This to mee is no reaſon at all, for the publiſhing of this Treatiſe: and indeed they whom it moſt concerneth doe leaſt deſire it. Yet three motiues I haue which may make ſufficient apologie for me.

1 Firſt, ſeeing the harueſt of Vſurers in theſe parts to be great; at S. *Stephens* in Walbrooke, the heart of this Citie, I began to labour in this point. By their flocking to thoſe Sermons, they ſeemed to be ripe, and euen [a] *white vnto the harueſt*. But when men aſſemble after the [b] *Athenian* faſhion, it commonly proueth a ſolemne hearing, and a ſolemne forgetting. Notwithſtanding, perceiuing afterwards thoſe poore labours to haue made ſome little impreſſion in the minds of the better ſort; I was moued

[a] Ioh.4.35
[b] Act.17. 21.

ued to make this impreſſion. Wherein after my plaine maner, I haue ſomewhat, not as I would, refined that which then was more rudely deliuered: caſt it into a new mold and method, that thou maiſt carrie the whole frame in thy view, and paſſe more eaſily from point to point: and added much more, then in the throng of other buſines I could, at that time, thinke vpon.

2 A ſecond motiue hath been the miſtakings of ſome which haue occaſioned miſreports; as if in the end I concluded nothing, or defended ſome kind of Vſurie. Which cenſures I may impute vnto two cauſes. The firſt is ordinarie vpon theſe occaſions, where the moſt attentiue may ſay, as wiſe and learned *Eliphas* ſaid of himſelfe: **Mine eare hath receiued a little of it*: for part of that which is only ſpoken, muſt needs vaniſh in the aire, before it can bee fully faſtned in the mind, and fitted to the whole frame and current of ſpeech. 2 Another cauſe is, the narrowneſſe of the point in queſtion. For euery queſtion, as the learned know, hath a point which is ſcarce diuiſible. Comming therefore preciſely to cut an vſurious act from ſuch lawfull couenants as doe next adioyne vpon it, the paſſage is ſo narrow, that we might eaſily miſtake, or bee miſtaken. Notwithſtanding thus farre I muſt appeale to the auditorie which then was; that when I came to thoſe ſtraites at the concluſion and determination, of the queſtion, purpoſely to auoid theſe miſconceites; I did often iterate and beate vpon the maine concluſion, that, *all Vſurie properly ſo called, is ſimply vnlawful.* But howſoeuer it was either not ſo exactly deliue-

* Iob 4 12.

red,

red, or distinctly taken, as it should: the onely remedie which now remaineth, is to exhibit the effect of that in writing which then was said; that such as make scruple, may at their pleasure, and best leisure, pause vpon it.

3 Last of all, after that by the handling of this point in publike, I had troubled the waters, and stirred vp the minds of men to giue censures according to their seuerall apprehensions; I haue taken time to obserue what yet could further be vrged for Vsurie; or obiected against that which then was deliuered: whereby being better furnished by reason of matter newly ministred, then at the first I could; I thought it part of my dutie to giue better satisfaction in this kind, and to meet with such probabilities as are, or may with any colour bee suggested. Amongst which, if I could find any ground of reason, for the defence of any Vsurie at all, I would most willingly either acknowledge it, or be silent. Hitherto I haue found none; but discharged my cõscience according to my simple knowledge. My reward shal be manifold censures no doubt: for what other can be expected in so vnpleasing a matter, and amidst so many aduersaries? Aduersaries, I say, not in affection or argument, but in action. So as being thought ouer busie in this businesse, I feare I shall be occasioned to take vp that text of Scripture, though I hope in a farre other cause: *Thus was I wounded in the house of my friends.* Bee they friends, or bee they strangers, who are any waies touched in this point; let them strike with the tongue, and wound at their pleasure; I shall thinke my selfe well apaid, if I can cause them

Zac. 13. 6.

but to feele those wounds which they haue made in their owne consciences, by this sinne.

This Treatise (Christian Reader) is not so large as to require a table, though it be tedious. Howbeit to giue thee some direction (besides the order of the generall heads before the booke) the last chapter being a briefe of the premisses, with reference in the margine to the seuerall places, where the points bee more fully handled; may serue in stead thereof.

So wishing that thou maiest reade with a single eye; iudge of what thou readest without affection; and conforme thy affection to right iudgement: I commend thee to the spirit of grace, whom I beseech, according to the right, to guide and sanctifie the actions of thy life.

Graise Inne, August 20. 1611.

R. F.

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A TREATISE OF VSVRIE, DIVIDED INTO THREE BOOKES:

The first defineth what is Vsurie.

CHAP. I.

An entrance into the matter.

WHen the Sonne of God spake vnto vs in his owne person conuersing as man amongst men, his preaching was with that maiestie and authoritie, that it was euermore admired, but neuer derided, sauing onely when hee spake against the seruice of Mammon; then, and only then, [a] *the Pharisies which were couetous mocked him.* Small incouragement therefore and little fruit of their labours are simple sinfull men like to haue, who presume either to preach or write against so gainfull a trade as Vsurie is. [a] Luk. 16. 14

Notwithstanding though wee seeme to labour in vaine and catch nothing; let vs at the [b] Lords commandement *cast out againe on the right side of the ship.* For Iesus standing vpon the shore may happely perceiue some scole of fish comming on that side, whereof there is some hope. And verely by their comming there should be great hope: for they will resort in great multitudes to heare these points discussed in pulpits. They will suffer vs to cast the net ouer them; but alas they runne themselues so deep into the mud, that it cannot get vnder them to dragge them out. *Sonne of* [b] Ioh. 21. 3. vers. 16.

c Ezek. 33. 31. *man* (ſaith God to c *Ezechiel*) *they come vnto thee as the people vſeth to come, and my people ſit before thee, and heare thy words, but they will not doe them: for their heart goeth after couetouſneſſe.*

Beſides this, the gaine of vſurie is a ſweete gaine, without labour, without coſt, without perill; *omne tulit punctum*; it is ſo pleaſant and ſo profitable a ſinne, as I perſwade my ſelfe we ſhall neuer bee able to perſwade, though wee doe perſwade, that it is a ſinne.

Adde moreouer vnto this, that ſuppoſed neceſſity which the cuſtome of vſurie hath brought vpon vs, in ſo much as citie and countrie is not only ſtained with this ſinne (for ſtaines may be got out) but it is ſo wouen and twiſted into euery trade and commerce, one mouing another, by this engine, like wheeles in a clocke, that it ſeemeth the very frame and courſe of traffick muſt needes be altered before this can be reformed.

d Mar. 16. 3 d *Quis remouebit nobis hunc lapidem?* That wee may forſake this ſinne and come vnto Chriſt by repentance, who ſhall remoue this great difficultie, which the iniquitie of times by the continuance of this practiſe hath laid in our way? For if the wiſe Sages of the Parliament in the 13. yeere of Queene *Elizabeth*, vtterly condemning all vſurie, in the preface, as vnlawfull; were faine notwithſtanding, in the end of that Statute, to tolerate the ſame in the caſe of Orphants, according to the cuſtome of Cities; and to paſſe it ouer vnpuniſhed; becauſe they knew not conueniently how to reforme it: how much more may it ſeeme in many other caſes neceſſarie to be tolerated in theſe daies? ſince it hath eaten deeper into the hearts of Mammoniſts, and ſpred further in all commerce betwixt man and man, then euer, amongſt vs, in any age before. And if law or Magiſtrate by diſpenſation or conniuence, ſhall ſeeme but to ſuffer it; it will preſently be conceiued of, as a thing allowed. For vulgar conceits make but ſmall difference betwixt a toleration and an approbation.

This aduantage then hath the diuell gotten againſt vs in the

the practiſe of this ſinne; that vſurie being a trade ſo gainfull in reſpect of others, ſo eaſie, ſo cheape, ſo ſecure without all labour, coſt, or perill: being alſo ſo common, behooffull, and requiſite in theſe times for all occaſions; it hath bewitched euen the conſciences of thoſe who are moſt tender in other matters. For if the heart and affection be once wonne and poſſeſſed, it is an eaſie matter euen by ſlight proofes to turne the braine. [c] *Quod nimis miſeri volunt hoc facile credunt:* Strong affection giueth great credit to weake arguments. Whereas indeed it ought to be contrariwiſe; that our naturall proneneſſe, and the generall inclination of the world to this practiſe of Vſurie, ſhould moue a well tempered iudgement the rather to ſuſpect the lawfulnes of it, and the ſoundnes of ſuch reaſons as are brought for it. *Perit omne iudicium cum res tranſit ad affectum:* Men looking by affection looke through a miſt, or a painted glaſſe; to whom nothing appeareth in his natiue colour and due proportion.

[c] *Senec. in Hercules furens.*

But were it not for theſe groſſe fogges, which vapour out of the nether part of the ſoule, and from that which the Apoſtle calleth the [f] *roote of all euill*; thoſe fallacies and ſophiſtications which the patrons of vſurie haue caſt vpon vs, I conceiue might eaſily be diſpelled, both by the beames of Gods law, and by the twilight of nature. Let vs therfore do our poore endeuour to enforme the vnderſtanding by euidence of argument; deſiring God, by his ſpirit of grace, to reforme the affection, which is the greateſt worke in this buſineſſe.

[f] 1. Tim. 6. 20.

What that vſurie is whereof wee diſpute; and *Whether it be of it ſelfe ſimplie vnlawfull*; be the two points wherein the vnderſtanding deſireth to be reſolued. And it is a queſtion which of theſe two queſtions is the greateſt. This is certaine, both are neceſſarie. The former therefore muſt not be omitted, or ſlightly paſſed ouer: neither in reſpect of the name, nor of the nature, ſeeing it may be ſome-

what enlightened by the very name, though more fullie determined, by the receiued definition of vſurie.

Chap. II.

Of the names of Vſurie.

When *Adam* in Paradiſe did firſt giue names vnto things, they were ſo ſignificant and expreſſiue, as if nature her ſelfe had ſpoken. But ſince the fall, a libertie remaining in the ſons of *Adam* to terme things as it pleaſed them to conceiue, God likewiſe and his Angels vouchſafing to ſpeake with the tongues of men, to the end that men might conceiue them: euer ſince, I ſay, names haue been no definitions. Yet notwithſtanding they may hold the candle, and giue ſome light vnto that whereof wee are to entreate: which in our Engliſh tongue is moſt properly termed by the name of Vſurie. But whatſoeuer the matter is, the more that men haue been in loue with the thing it ſelfe, the more haue they purpoſely declined and auoided this name. They will not call it Vſurie, leſt the word ſhould be offenſiue, or make the thing odious. But it ſhall be termed Vſe or Vſance in exchange, which are ſmooth words as oyle, neuer a biting letter in them. Or it ſhall be called Intereſt, or Conſideration, which are ciuill and mannerly termes, though by thē they meane indeed nothing elſe but plaine Vſurie.

This deuice was not firſt hatched amongſt vs in England, for it is the very ſame which Maſter *Caluin* hath obſerued before among the French. His words bee theſe: § *Quia nomen fœnoris Gallis fuit incognitum, nomen vſuræ etiam, deteſtabile fuit. Galli ergo excogitarunt nouam aſtutiam quaſi poſſent deum fallere: nam quia nemo poterat ferre vſuræ nomen, poſuerunt intereſſe. Iam quid ſignificat intereſſe? omne genus fœnoris:* Becauſe the proper Latine name of Vſurie (*fœnus*) was vnquoth to the French, therfore the name

§ *Caluinus in Ezek. 18.*

euen

euen of vſurie was deteſtable. The French therefore haue deuiſed a new trick, as if they could beguile God himſelfe. For becauſe no man could endure the name of vſurie, they haue put in place thereof, intereſt. Now what doth intereſt with them ſignifie? All kinde of vſurie. Men be neuer good who vſe to change and ſhift their names; but are euer held for ſuſpected perſons and ſhifters themſelues. For hee who is aſhamed of his name, his name commonly may be aſhamed of him. So is it proportionably in profeſſions. He that is an Vſurer, if you aske what he is, or of what profeſſion; he would not be ſo termed: what ſhall we call him then?

Some call him *a man that putteth out his money*. That is ambiguous. He may put it out, as the Lion putteth out his claw; and then well is hee that commeth not neere his grate. But moſt commonly he is termed, *one that liueth vpon his money*; which is without all exception. For as the Gentleman liueth vpon his rents; the poore labourer vpon the ſweate of his browes; the Merchant and Tradeſman vpon their aduentures, skill, and induſtrie; the Husbandman and Graſier vpon the increaſe of the earth, and breed of cattell; ſo doth the Vſurer liue vpon his moneis: which doe yeane, and foale, and calue vnto him once in ſixe moneths at the furtheſt.

And becauſe the name of Vſurie doth trouble mens conſciences much more then the thing it ſelfe; ſome haue deuiſed a new trick of learning, as if there were ſome reall and materiall difference betweene the gaine of vſurie, and of the vſe of money; imagining that *vſura* in Latine is deriued *ab vſu rapiendo*, and that the Latin condemneth ſnatching only, as the Hebrue doth biting: inſinuating thereby that ſuch vſurie only is forbidden, which is a greedie catching and ſnatching of gaine by hooke or crooke. Whereas *vſura* in truth is nothing but *vſus rei*, primitiuely taken for the vſe of [h] other things as well as money. And ſo was *vſura* originally a good honeſt word, vntill vſurie did marre it: as wee may obſerue it doth in time diſgrace any terme or name that is put vpon it.

[h] *Vſura luteis: Cicero. Vxor vſuraria. Plaut.*

§. 2.

The proper Latine terme for vsurie is *fœnus*, so called in the iudgement of Grammarians, as if it were *fœtus pecuniæ*, the brood of money. And in the same sense did the Greekes call it τόκος, ἀπὸ τῦ τίκτειν: which signifieth *to breed*, or *bring foorth*. I am not ignorant how some would deriue τόκος, of the Hebrew *Toc*, which signifieth *oppression*; as if vsurie were not to be misliked for it owne sake, vnlesse it might be conuicted of some sensible oppression. And I must needes confesse that in the 12. Psalme, vers. 14. I finde *Toc* translated τόκος by the Greeke Interpretors. But they are not constant therein: for in the 10. Psalme, vers. 7. *vatoc* is by them translated δόλος.

And therefore let vs rather follow the generall consent of Grammarians, who fetch it neerer hand, taking the nowne from the verbe. For it is a safe rule for Etymologies, when there is so neere affinitie at home in the same tongue, neuer to trauell abroad, or take so much paines to fetch it from strange languages: like some great spirits of our time, who will haue their names deriued from some ancient famous Romane, though originally they were taken from some notable hillock, or mossie quagmire, before their great grandsires doore. Etymologies and Metaphors be alike in this, if they be too farre fetched they are vnkinde. Besides, the primitiue signification of τόκος is, birth. As appeareth by [i] *Homer* and [k] *Aristotle*. Next it signifieth the issue it selfe, as the first borne is called * πρωτότοκος. According to these two significations the learned haue giuen a double reason of this name. S. *Basil* and S. *Ambrose* amongst the ancient; *Aretius* and others of the later writers, fetch it from the paines, and sorrowes of trauell. *Græci appellarunt vsuras τόκους, eo quòd dolores partus animæ debitoris excitare videantur*: The Grecians (saith S. *Ambrose*) call vsurie τόκος, *birth*, because it brings the pangs of trauell vpon the soule of the debtor. *Metaphora ducta à parturientibus; qui soluit enim, soluit summo cum dolore & sudore, &c.* A woman in trauell (saith [l] *Aretius*) doth not sweate and labour to bring foorth

[c]

[c]

[i] πρωτότοκος μήτηρ ἀφ' εἰδῆα τέκοιε. Ili. 2.

[k] ἐν τοῖς τόκοις αἱ νέαι πονέῦσι τε πολλάκις καὶ διαφθείρονται πλείους. Polit. 7.

* Luk. 2. 5. *Ambros. lib. de Tobia, cap. 12.*

[l] *Problem. de vsuris.*

foorth with greater anguiſh of minde, then a debtor compelled to bring home the principall with increaſe.

[m] S. *Baſil* maketh moneths the only fathers to beget, and borrowers, the mothers to bring foorth this vnnaturall brood of vſurie. *Vnnaturall* (ſaith that Father) *euen as the brood of vipers which eate through the entrals of their mothers: ſo doth the borrower bring foorth for the Vſurer, to the deſtruction of himſelfe and his familie.*

[m] *In ſup. Ieſ. Pſal. 15*

But the moſt generall conceit is, that the Greekes and Romanes gaue the names of τοκος and *fœnus* vnto vſurie, becauſe of the ancient opinion which the learned had amongſt them: namely, that this vſurious increaſe of money, which is neither fruitfull by nature, as land and cattell: nor fit for any other ſecondarie vſe, as to feede, or to cure, or to clothe, or to ſhelter; but onely to procure ſuch things as haue increaſe and vſe in themſelues: that ſuch increaſe (I ſay) of ſo barren a thing, as they conceiued money to be, is vnnaturall. Which poſition of theirs, though it be not the plaineſt demonſtration that wee haue againſt vſurie; yet I conceiue wee ſhall finde much more in it, then they that make the lighteſt account of it, are ware of.

§. 3.

Come we in the laſt place to the head ſpring and originall of all names. For if names can expreſſe the nature of this ſinne, doubtleſſe thoſe names of all others muſt doe it which God himſelfe hath vſed in the primitiue tongue, and eſpecially in his law: where he euer vſeth the beſt congruitie of ſpeech.

In the firſt law giuen againſt vſurie it is forbidden vnder the moſt ſignificant terme of [n] *Neſhec*, deriued from a word which ſignifieth *to bite*; becauſe money ſo lent commeth not emptie home, but biteth off, gnaweth away, and bringeth with it ſome part of the borrowers wealth and ſubſtance; who if he cannot lick himſelfe whole againe, and cure his wound with biting others, (as commonly they doe) he feeleth in the end to his greater griefe that which at the firſt he could not perceiue.

[n] Exod. 22. 25.

o *Auctor operis imperfecti in Homil. 12.*

o *Aspidis morsui similis est pecuna vsuraria: qui ab aspide percutitur, quasi delectatus vadit in somnum, & sic per suauitatem soporis moritur:* He that is bitten by vsurie (saith S. *Chrysostome*) is as he that is stung of a serpent: it luls him asleepe so sweetly and securely, that the poore man is vndone before he be aware. It is well compared (by *Baldus*) to the little worme that breedes in wood with a soft bodie and hard teeth, which gnaweth secretly the very pith and inward substance of the tree, the barke and outside standing intire. What gallant shewes doe many men make in these daies with other mens money thus borrowed? who, if euery bird should fetch his feather, would be as naked as *Æsops* Crow. For when death heweth them downe, their estate proueth like a hollow tree; no sound timber for posteritie to build withall. For why? this worme of vsurie hath gnawed away their substance. Verely money thus taken vp is like a new peece put into an old garment, which being taken away, the rent is made worse. It patcheth vp his necessitie for the present, but after leaueth his estate so ragged and rent, that he is in worse case and more beggerly then euer he was before.

This biting or gnawing, because it is not alwaies sensible, much lesse mortall, (for there bee moates as well as beames in all sinnes which cannot so well be discerned) therefore some subtill wits haue deuised a new distinction to please the world. As if there were some toothlesse and harmlesse vsurie without the compasse of the word *Neshec*, and without the meaning of the law of God: as if God had
" neuer meant to condemne Vsurers, but onely to muzzle them for biting. So as, if lender and borrower be both gainers, who hath cause to complaine? and why may not Christians then practise so harmeleesse and innocent a trade? and for that vsurie which is condemned by the name of *Neshec*, if these men had the christning of it, they would haue
" called it by the name of *Morsura*, not *Vsura*.

One point then in question (when we come to the matter) will be, whether it be not the nature of all vsurie to bite?

bite? though with great difference; ſome like the Engliſh maſtiue, ſome like the dogge-flye; ſome ſcarſe ſenſiblie, and therefore not perceiued to be a ſinne.

1. Firſt, becauſe many are content to moderate themſelues in this gaine, and then, if it be a ſinne, it is but a little one. As *Lot* ſaid of Zoar, [p] *Is it not a little one, and my ſoule ſhall liue? Modica ſunt quæ perdunt nos:* They be thoſe little ones that vndoe vs. A moate in the eye if it be not got out in time, may grow to a pin and web; and a mans conſcience may ſuffer ſhipwrack aſwell vpon a ſand as vpon a rock. A rock is a great one, a ſand is a heape of little ones. He that once or twice hath taken extreme vſurie to the ſenſible and apparent oppreſſion of his brother, hath runne his conſcience vpon a rock. But he who to auoid that Scylla, will take but a reaſonable moderate conſcionable vſurie, (like an honeſt kind robber, who alloweth a man part of his owne money back againe to beare his charges) and thus reſolueth to liue vpon this practiſe; he by heaping vp moderate ſinnes, wreaketh his conſcience vpon a ſand; and ſo ſinking into this ſin by little and little, his ſoule is at length eaſily ſwallowed vp, without ſenſe or feeling at all.

[p] Gen 19. 20.

2. Secondly, it is not euer ſo ſenſible, becauſe as the Vſurer moderating himſelfe doth not ſeeme to bite the borrower: ſo the borrower relieuing himſelfe by others, hath no cauſe to complaine. Yea many borrowers concurring in this practiſe, by their very multitudes, are able to ſway and inhaunce the market, in ſuch manner, that they may liue themſelues and pay the Vſurer beſides. So that in concluſion thoſe doe all ſet vpon the Common-wealth: which being a great bodie, is able to beare many dogges, before ſhe need to complaine; and feeling the wound (as in time ſhe muſt) ſhe knoweth not well of whom to complaine. Burdenſome therefore it is to the Common-wealth: yet ſo diſperſed amongſt many, that it is the leſſe ſenſible, but neuer a whit the more allowable.

Multorum manibus grande leuatur onus.

For theſe and the like cauſes the biting of vſurie being ſometimes not ſo ſenſible to particular perſons, Almightie

God in his wiſedome foreſeeing how readie men would be to cauill at the word *Neſhec*, hath of purpoſe expreſſed his meaning more fully by the exegeticall addition of another terme, which ſimply ſignifieth any increaſe at all. And this hath he done, not only in the Comments of the [q] Prophets, but in the very text of the Law it ſelfe, Leuit. 25. 36. *vetarbith*, and verſ. the 37. *vbemarbith*. Which word [r] *Salomon* forgetteth not to adde: for *Salomons* daies being both peaceable and rich in ſiluer and gold, men would be then more readie in all likelihood to deuiſe any cauill, or colour to maintaine that ſinne.

[q] Ez. k. 18 17. Cap. 22. 12

[r] Pro. 28. 8.

While the people of God were trauelling in the deſert, or troubled with warres in the land of Canaan, there was little borrowing of money, but only by the poore, for the ſupplie of their want. And of them to take vſurie was a more ſenſible biting and oppreſſion: in that they borrowed not to lay out for commodities, but to ſpend for neceſſitie. Therefore *Dauid* in his troubleſome daies vſeth the word *Neſhec* onely, for vſurie, as beſt fitting thoſe times; where the pooreſt were moſt bitten by this ſinne. But in King *Salomons* daies, being daies of peace and plentie, plentie of money and merchandizing, both by ſea and land, for all manner of commodities; thoſe men who were then rich in moneys, might ſit ſtill at home and lend foorth their money to ſuch as by their skill and paines in trauelling and trading abroad, might returne them vſurie for their money, and bee many times gainers themſelues. In which caſe becauſe there is no ſuch apparant perſonall biting of the borrower, as when money is lent to the poore to ſupplie preſent wants; therefore *Salomon* to preuent theſe cauils at words might adde to the word *Neſhec*, that word alſo which ſignifieth *Increaſe*, or *ouerplus*. Thereby teaching men that it was the direct meaning of Almightie God ſimply to forbid all manner of increaſe whatſoeuer.

Neither are theſe my priuate coniectures, againſt the groundleſſe diſtinction of biting and toothleſſe vſurie; but Maſter [f] *Caluin* himſelfe (vpon whom they ſeeme to relie as

[f] *In Comment. in Ezek. cap. 18. verſ. 8.*

as a chiefe patron of vſurie) doth not only condemne it as friuolous; but addeth further that it was the purpoſe of the Holy Ghoſt, by adding that other word, to preuent ſuch cauils. *Quia homines hac in parte nimium ſunt acuti & verſuti, & excogitant ſubterfugia, quibus crudelitatem ſuam tegant; ideo addit: Et incrementum non acceperit:* Becauſe (ſaith *Caluin*) men in this kinde be ouer acute and ſubtill, and deuiſe euaſions how they may more cunningly couer their crueltie, therefore he addeth in the text; *vſurie* or *increaſe*. And for the diſtinction it ſelfe, *Caluin* his cenſure is: *Ludunt homines ſuis cauillis, ſed Deus non admittit tales verſutias:* Men cauill and play with words, but God admitteth no ſuch ſleights. His meaning is ſimple and plaine, that all increaſe aboue the principall is forbidden.

I ſhould idle the time too much, and wearie the reader, if I ſhould dilate vpon the fond conceits of ſome to auoid the word *Tarbith* or *increaſe*. Becauſe that word in his natiue and vſuall ſenſe directly forbiddeth all vſurie whatſoeuer; therefore they bend their wits againſt it.

Some would haue *Tarbith*, being ioyned with *Neſhec*, to ſignifie *exceſſiue increaſe*, or *multiplication beyond meaſure*. Another ſort referre *Neſhec* to *money*, and *Tarbith* to *victuals* only, as if it were lawfull to take ſome increaſe for money, but no increaſe for victuals at all. Theſe fantaſies we finde in certaine blinde Manuſcripts, without name or author, which walke vnder hand like [t] *the peſtilence in the darke*, to infect the mindes of ſimple men, who are very prone to imbrace euery thing for Goſpel, which ſome men write in priuate, or preach at their tables, in maintenance of their profit.

[t] Pſal. 91. 6

But tell vs, in good ſooth, is *Tarbith* to be referred to victuals only, and not to money? ſo that it ſhall be lawfull to take *Tarbith* for money? then doth not *Tarbith* ſignifie *exceſſiue increaſe*, or *multiplication beyond meaſure*; for I hope it ſhall neuer be accounted lawfull to take exceſſiue increaſe for money, or to multiplie vſurie beyond meaſure. Doth *Tarbith* ſignifie *multiplication beyond meaſure?* then

verely both *Tarbith* and *Neſhec* are forbidden in money as well as victuals.

See how fitly theſe conceits doe agree, one ouerthrowing another directly: and both being ouerthrowne by the text, and conſtant interpretation of all authoritie both moderne and ancient.

The text as it doth not appropriate *Neſhec* vnto money, but applieth it vnto any thing which paſſeth for vſurie; (as in Deut. 23.19. *Vſurie of money, vſurie of meate, vſurie of any thing that is put to vſurie*) ſo doth it vſe *Tarbith* for the vſurie of money, aſwell as of any other thing. For the Prophets, who be the true expoſitors of the law, do ioyne both words together, applying them both indifferently, euermore to one and the ſame thing. Ezek. 18.8. cap. 22.12. Prou. 28.8. and that *Tarbith* being ioyned with *Neſhec*, ſhould ſignifie any exceſſiue increaſe, it hath neither ground in the text, nor any authoritie at all.

The Greeks tranſlate it τοκισμὸν: the Latines *incrementum, augmentũ*; that is, *ſimple increaſe*. So others vſe words to the ſame purpoſe: *Plus, amplius, ſupra, acceſſio*; any more, any ouerplus, any thing aboue or beſides ỹ principall. That is to ſay (as the ancient Latine tranſlation readeth, Leu. 25. 36.) *Thou ſhalt not take vſurie of him, nor more then thou gaueſt*: or as [u] S. *Ambroſe* readeth the 37. verſe: *In amplius recipiendum*; to receiue more: *vbi omne ſortis excludit augmentum*, where it excludeth all increaſe aboue the principall (as he obſerueth vpon the ſame place.) The [x] Geneua tranſlateth it, *any increaſe*. So that *euen Tarbith*, that is, *ſimple increaſe*. (the beſt name, and the moſt innocent, that euer vſurie had) is by the law of God vtterly condemned. And therefore bad is the beſt.

[u] *Lib. de Tobia, cap. 15.*

[x] Ezek. 18.8

I confeſſe as yet I haue proued little or nothing at all; but only told you what vſurie is called. And if names be no definitions, then arguments taken from names be no demonſtrations. Yet thus much I dare preſume to conclude, euen from the very name of vſurie in Hebrew, Greeke and Latine; ſignifying, *cruell biting, painfull trauelling, vnnaturall brood*;

brood; that the nature of the thing it ſelf is therefore greatly to be ſuſpected. For certainly it is ominous and very ſuſpicious to haue a bad name.

Chap. III.

Of the deſinition of vſurie in generall.

THat which y *Tullie* obſerued as defectiue in *Panætius*, may not be tolerated in this treatiſe. For if we ſhould omit the definition of vſurie, whereupon the whole ſtate of the queſtion doth depend; wee ſhould write at randome in this whole diſcourſe, and fight with our owne ſhadow. The two properties of a definition according to the parts thereof, are, *to expreſſe* and *diſtinguiſh*. Firſt to expreſſe the nature of what kinde it is: and next to diſtinguiſh it perfectly and eſſentially from all other things of the like nature. And in truth *to define*, is nothing elſe but *to expreſſe by diſtinction*. Firſt to expreſſe the generall nature by ſome proper terme, which diſtinguiſheth it from all other kindes. And ſecondly to determine the ſpeciall nature, how it ſtandeth different from all other things of that kinde. And ſo much the very name it ſelfe doth notifie. For *to define* is nothing elſe but *to limit a thing within his owne proper and peculiar bounds*.

y *Offic.* 1.

,,

First therefore all metaphors and borrowed ſpeeches are to be excluded from the definition of vſurie. And we are to deale only with that vſurie which properly is ſo called. We muſt not therefore meddle with the vſurie of nature, that moſt innocent and primitiue increaſe which the earth yeeldeth in fruite vnto man for his ſeede ſowne; *ſome thirtie, ſome ſixtie, ſome an hundred fold. Terra nunquam ſine vſura reddit quod accepit*: The earth (ſaith z *Tullie*) neuer returneth that which it hath receiued, without vſurie.

z *De ſenectute.*

Neither are we to meddle with that ſupernaturall vſurie which paſſeth betweene God and man: where ſometimes

man plaieth the Vsurer, lending vnto God, by giuing to the poore that he may receiue an hundred fold. [a] *Fœneratur domino qui miseretur pauperis:* He lendeth in that kind to the Lord, who is mercifull to the poore. *Our God* (saith S. [b] *Augustine*) *Who forbiddeth thee to be an Vsurer, he commandeth thee to be an Vsurer. For it is said vnto thee; Lend vnto the Lord vpon vsurie.*

Sometimes God himselfe is the Vsurer; lending tallents vnto men, to lay out that hee may receiue his owne againe, σὺν τόκῳ, *with aduantage*, as wee translate it. The vulgar saith, *cum vsura*; Beza, *cum fœnore*. For the word is properly, *with vsurie*. So it pleaseth the holy Ghost in Scripture somtimes to resemble the workes of light to the workes of darknes: that wee might learne to gather wisedome euen from Serpents, and to leaue the poyson behinde. Those delicate wits then, who haue from hence extracted conclusions, as if God, by such parables and allusions, did somewhat fauour vsurie; they must by the same reason iustifie vnrighteousnes, because the example of the vniust Steward is commended vnto vs; and withall conclude that euen theft it selfe is therefore sanctified, because Christ hath compared himselfe vnto a theefe in the night. So must we then in this businesse passe by all parabolicall and borrowed speeches; and onely betake our selues vnto that which is home-bred, proper, and naturall.

Of which there be two kinds; *mentall* and *actuall* vsurie. The first consisteth only in the intention of the heart. For he that lendeth so freely to his brother, that he doth not indent either by word or deed, for any vsurious gaine: yet if any hope or expectation of gaine was to him a motiue of lending, that man in the Court of Conscience standeth guiltie of this sinne before God. Howbeit the other partie may be innocent in borrowing. [c] As he that looketh on a woman, to lust after her, hath committed adulterie with her alreadie in his heart; though the woman be neuer so cleere from that sinne. But in actuall vsurie there must be a mutuall consent of two parties at the least.

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[a] Prou. 19 17.

[b] *In Psal. 36. serm. 3. Qui prohibet te esse fœneratorẽ, ille iubet te esse fœneratorem.*

[c] Mat. 5. 28

It is my purpoſe to write of this ſecond, as being more ſenſible then the former; yet including the former. For euery intention of the heart is determinable by the act it ſelfe, to be good or bad. If actuall vſurie therefore proue vnlawfull, thereby ſhall the very thought and intention of the minde be condemned. And if we looke vpon the vſuall practiſe of the world in this kinde; mentall vſurie is but a little moate, but wee are now haling at the beame it ſelfe. *Hoc opus, hic labor eſt:* It is no time to pick moates.

Actuall vſurie is of diuers deſcribed diuerſly (a varietie tedious to relate) but the pith of all is briefly contracted in three words, to be, *pactum ex mutuo lucrum.*

Lucre for loane vpon couenant: or
The Couenant of lucre for lending: or
Lending vpon Couenant for lucre.

So that theſe three words, *mutuum, pactum, lucrum*, that is, *loane, couenant, lucre*, doe define and circumſcribe the entire nature of that vſurie whereof the maine queſtion is made, whether it be lawful or not.

Therefore whatſoeuer is without the compaſſe of any of theſe three termes, though it carrie the name of vſurie, yet it is none indeed. And of whatſoeuer all theſe three ſeuerally and ioyntly may be affirmed; howſoeuer it may paſſe diſguiſed vnder any other lawfull act, yet is it that actuall vſurie whereof this queſtion is moued.

Theſe three termes therefore muſt diſtinctly bee handled and rightly conceiued, before it can appeare plainly what vſurie is.

Chap. IIII.

Of the firſt terme, loane or mutuation.

THe proper obiect of vſury is that which is lent For ſo is the text: [d] *If thou lend money to my people, to the poore, thou ſhalt not be as an Vſurer.* That therfore is vſurie which is taken for loane: yet muſt wee heere vnderſtand

[d] Exod. 22. 25.

vnderſtand a ſpeciall kind of lending, which for the penurie of words and narrowneſſe of our Engliſh tongue, wanteth a proper terme. In Latine it is called *mutuum*, in which, two words are briefly contracted into one, *meum*, *tuum*, into *mutuum*. If I lend thee my money, of *mine* I make it *thine* for a time. *Thine* to doe withall what thou wilt: *Thine* in vſe and propertie both: So *thine*, as during that time, I will not owne it, nor call thee to account what thou doſt with it, becauſe it is thine. But if I lend thee a horſe, or a houſe, I will ſo paſſe it ouer, as it ſhall be mine ſtill and not thine. I will be the owner ſtil, euen for the time that I haue lent it. And if thou vſe it not well, I will haue an action againſt thee; for this is not, *mutuum*, but *commodatum*, lent to vſe, but not to ſpend or beſtow.

That lending therefore which is meant in vſurie is defined to be, *The free paſſing ouer both of vſe and propertie for a time, at the time ended to receiue the like againe.* By which deſcription it is plainely diſtinguiſhed from all other contracts. From *giuing*, *letting*, *ſelling*, *exchanging*, *commodating*, or *lending to vſe*.

1 From *giuing* it is diſtinguiſhed, becauſe a gift is for euer: loane is only for a time. Both are *a free paſſing ouer of vſe and propertie:* but that the one is temporall, the other perpetuall. So that this lending or mutuation differeth from a gift onely in time. It is a free gift for a time: for which time it is not the lenders, but the borrowers, to doe withall what he liſt; only at the time appointed that he returne the like againe.

2. It differeth alſo from *letting:* becauſe in letting wee paſſe ouer the vſe onely, and that for hire: in lending wee paſſe ouer both vſe and propertie, and that freely. Theſe differ therefore in two things. Firſt, lending in it owne proper nature is free; letting is for hire. And therefore whereſoeuer the Scripture mentioneth lending, it ſpeaketh of it as a worke of mercy and free liberalitie. [e] *The iuſt is merciſull and lendeth.* [f] *Lend looking for nothing againe, &c.*

[e] Pſal. 37.
[f] Luk. 6.

2. Secondly, lending paſſeth ouer the propertie with the vſe,

vſe,for the time it is lent: letting paſſeth onely the vſe,reſeruing the propertie,euen for that time it is let.

Hence it ariſeth,that in a thing freely lent,the borrower ſtandeth to the hazard for that time in equitie, (though there be no ſuch couenant made:) becauſe the borrower is the right owner for the time; and in common right euery thing periſheth to the right owner. But in an hired thing it is otherwiſe: if it periſh, the owner ſtandeth to the hazard, vnleſſe it periſh by the default of him that hired it.

It periſheth, I ſay, to the owner. Firſt,becauſe he is the owner: and ſecondly,becauſe it went for the hire. According to the equitie of Gods law, Exod.22.15. *If the owner thereof ſtand by,*(to wit, that it may appeare not to be the borrowers default) *the borrower ſhall not make it good. For if it be an hired thing,it came for the hire.*

3 From *ſelling* doth this *lending* alſo differ,becauſe *ſale* is *a perpetuall alienation of the propertie for a price. Lending* is *a free alienation for a time.* So that though *lending* and *ſelling* doe agree in this, that both doe alienate the propertie with the vſe; yet in theſe two things they differ, that the one is liberall,the other for a price;the one temporal,the other for euer.

4 It differeth from *exchange.* Not only in time,as *giuing* and *ſelling* doth; but in the obiect; becauſe *exchange* is *the giuing and taking of one certaine thing for another.* But in this kind of loane, only the like in the ſame kind is required at the time appointed to be reſtored.Beſides,in things exchanged,there is ſome difference reſpected,either of kind,qualitie,or vſe; which mooueth vs to make an exchange. But in ſimple lending or mutuation,both the ſame in kind, money for money,oyle for oyle, corne for corne; the ſame in quantitie, and the like in qualitie, ſo much and ſo good, without reſpect of difference,is required.

5. Laſt of all, this *lending* or *mutuation,* in the definition of vſury,differeth from that which is called *commodation,*or *free lending to vſe.* Becauſe mutuation is only of ſuch things whereof vſe and propertie cannot be ſeuered: but they are

euermore ſpent or beſtowed in the firſt vſe. As he that lendeth his neighbour a loafe of bread, he lendeth it him to vſe and ſpend both; becauſe the vſe of bread is in ſpending of it. But he that lendeth his ſeruant, to worke for a day with his neighbour, or his horſe to trauell; hee lendeth the vſe, but reſerueth the propertie to himſelfe: Therefore if they doe hurt or abuſe that ſeruant or horſe, the owner or lender hath iuſt cauſe to complaine.

From the ſame ground alſo doth it ariſe, that in this loane of money, of victuals, of Corne, or the like, we doe not require the ſame thing in particular, the ſame graines of corne, but onely the like in kind: becauſe the ſame particulars be ſpent or done away. But in *commodation*, or *lending to vſe* the ſame thing in particular is required: the ſame ſeruant, the ſame horſe, the ſame veſſell which was lent only to vſe.

Hence therefore it proceedeth, that ſuch things only bee thus lent, which doe paſſe betwixt man and man by weight, number, or meaſure. For ſeeing he cannot poſſibly receiue the particular things againe (which if they be vſed, cannot be reſtored) therefore he muſt in equitie haue ſo many in number, ſo much in weight or meaſure, as was lent.

Thus much for the deſcription of the firſt terme in the definition of vſurie, *mutuum*, that is, *loane*; from which there are three concluſions for this our preſent purpoſe to bee deriued.

§ 2. *The firſt Concluſion.*

OVt of the premiſſes it is gathered, firſt, *That money is not the onely ſubiect of Vſurie, but whatſoeuer paſſeth by number, weight or meaſure:* for all ſuch things are ſubiect to mutuation. To which the very words of the § text doe accord, *Vſurie of money, vſurie of meat, vſurie of any thing that is put to vſurie.* If a woman ſhould lend her neighbor two egges, to receiue three againe; were it not damnable vſury? becauſe there is an increaſe or gaine aboue the principall, only

§ Deut. 23. 29.

only for that which yeeldeth no profit to the borrower, beſide the firſt vſe.

A poore man wanteth money to ſtocke his ground. His rich neighbour lendeth him no money, but twentie ſheepe: for which he ſhall pay him twentie ſhillings by the yeere, in the name of hire. And ſo making good the whole flock of ſheepe, he ſhall take lamb and wool, both for their keeping, and for that twentie ſhillings which goeth for the loane. So that thoſe ſheepe which rot or miſcarie are none of the rich mans, he will not owne them; they be the borrowers, hee ſtandeth to the hazard, and maketh vp ſtill the number of twentie ſheepe. Here then is *mutuum* the vſe and propertie both are paſſed ouer to this poore man: to the end that with the propertie, the hazard alſo may paſſe vpon him. Now theſe immortall ſheepe which neuer die, do bring an annuall increaſe or gaine to the rich man; for the meere loane of them: which is plaine vſury, howbeit not of money.

§ 3 *The ſecond Concluſion.*

IN the loane of money (of which principallie it is my purpoſe to write, being the moſt vſuall and proper for theſe parts) be it thus concluded out of the premiſes; *That gain or lucre which commeth not meerely for loane*; (ſuch loane, which is before deſcribed) *is no vſurie.* For the obiect of vſurie is *mutuum.* It is no vſurie, I ſay, if it be for other reſpectiue conſiderations, and not meerely for loane.

A man vnskilfull in trading hath a ſtock of money, which he deliuereth to a merchant or tradeſman to imploy: receiueth part of gaine, and beareth part of hazard proportionably. This is no vſurie, but partnerſhip. No vſury, becauſe his money is not lent by mutuation, ſo long as he reſerueth a propertie in it himſelfe, *in contractu ſocietatis ceſſat obiectum vſuræ, mutuum.* In like manner the ſtocke of a widow or an orphant is in truſt committed to a friend to imploy and vſe it in charitie, onely to their vſe: they haue the benefit of the increaſe; which is no vſurie; becauſe the money is ſtill

Molinæus de contract. vſurar. initio.

theirs, it proſpereth or periſheth to them, as to the right owners.

A man lendeth for a time freely; that time being expired, his money is retained longer againſt his will, for want whereof he is damnified. If the lender receiue an ouerplus in this caſe aboue the principall, anſwerable to the damage which he hath ſuffered; this is no vſurie, but due and iuſt ſatisfaction. No vſury, becauſe increaſe is not taken for the loane. For loane is a voluntarie act: whereas this money was not willingly lent, but retained by force after the time it was due. If the lender had been damnified by the forbearance of his money during that time which he lent it, he could in ſtrict iuſtice haue exacted no ſatisfaction, becauſe it was his owne voluntary act: *Volenti non fit iniuria.* But the time being come out, to receiue ouerplus for his loſſe ſuſtained, is no vſurie, but a iuſt recompence, which is properlie termed *intereſt.*

A great man by his authoritie, doth wring from an inferiour perſon the loane of ſuch a ſum, which he cannot ſpare without ſenſible detriment; and yet perhaps, in regard of the mans greatnes, he had better loſe the principall then denie the loane. To receiue intereſt, that is to ſay, recompence for the forbearance of this money, is no vſurie, becauſe it was not voluntarily lent by him, but by ſome violence extorted from him. As if a man ſhould command a poore mans tooles, without which he cannot earne his liuing, if he giue him not ſatisfaction, he committeth extortion. The monies of a tradeſman, be his tooles, by which he getteth his liuing. If therefore they be either retained, or forced from him to his ſenſible detriment, ſatisfaction is due in iuſtice and equitie, without touch of vſurie.

To ſell wares for time, and in reſpect of time to ſell dearer, may be free from vſurie: Either in reſpect of the riſing of the commoditie ſo ſold, if by the ordinarie courſe of ſeaſons, it will be worth more at the day of paiment of the money, then it was at the time of ſale and deliuerie. Or in caſe a man can neither vent his commoditie for preſent money;

nor

nor keep it longer without corruption or detriment to the ware; nor forbeare the money without ſenſible preiudice to himſelfe: theſe may ſeeme valuable conſiderations without compaſſe of this terme. But admit a man will ſell deerer of purpoſe for the forbearance; and forbeare of purpoſe, onely that he may ſell dearer, without pregnant likelihood of the market riſing at the time of paiment; or of damnifying of himſelfe, by keeping his word, or ſuch like valuable conſiderations; that is vſurie. For it is allone as if he lent ſo much money for lucre vpon couenant.

§4. *The third Concluſion.*

IF it be a gaine couenanted meerely in reſpect of loane, it is condemned as vſurious. For then is it *Vimutui*, for the loane before deſcribed, though it come neuer ſo diſguiſed vnder the colour of a lawfull contract, as many times it doth.

1. Somtimes vnder the colour of buying. If I ſhould lend one hundred pound; the principall to be repaied by tenne pound a yeere in ten yeeres, and ten pound a yeere ouerplus for the vſe of that money: this were extreme vſurie within the ſtatute. If therefore purpoſely to auoid the ſtatute, I do agree with the borrower to alter the nature of the contract, thus: With the ſame hundreth pound I will purchaſe an annuitie of twentie pound for ten yeers of the ſame partie. This is bargaine and ſale; yet is it the very ſame thing in truth; differing only in the parchment and manner of couenanting; ſubiect to the ſame iniquitie and inequalitie; poiſoned with their ioynt purpoſe of auoiding the penaltie of vſurie by other conueiances. For if their purpoſe could by ſome pregnant circumſtances be diſcouered, the ſame Statute would condemne them of vſurie.

2. Sometime it paſſeth vnder the colour of ſelling. A merchant lendeth his chapman one hundred pound freely, but with condition that he will in lieu of his courteſie take a commoditie that lieth vpon his hand at ſuch a price, pay-

ing for the purpoſe eight or ten pound deerer then he might haue bought elſewhere; had he not as good haue paid ten pound for the loane of his money? Or more cunningly thus: A countrey Gentleman would borrow one hundred pound of his deare friend a Tradeſman. Anſwere is returned, That he hath no money, but rather then faile, for old loue and acquaintance, he ſhall haue 100. pounds worth of ware euen out of his ſhop preſently to make money of. The Gentleman cannot make it: therefore he doth him yet a further kindneſſe, in ſending to a friend that ſhal ſell it for him (note by the way, that friend is his broker:) who after long diſcourſe what a preiudice it is to proffer ware, and after much ſeeking, he hitteth vpon a friend who will giue the Gentleman foureſcore and eight pound, preſent money, for his ware (and that friend is the brokers owne maſter, who lent the ware.) The poore Gentleman glad of preſent money giueth the broker for his paines. Now this tradeſman that hath twelue in the hundreth, is in expectation beſides of as great kindneſſe as the free loane of one hundred pound is worth, (whereof this Gentleman will not faile him, becauſe hee would keepe ſuch a friend in a corner for a pinch:) and he hath beſide pleaſured his broker for doing nothing, for the ware was neuer ſtirred out of his place. This vnder colour of ſelling is direct vſurie, and ſomewhat elſe beſides.

3. Sometime it is committed vnder the colour of letting. A man lendeth his neighbour ſuch a ſumme of money, conditionally, that he will take ſuch a houſe at ſuch a rent: prouided alwaies, that the rent of the houſe ſhall pay for the vſe of the money. More cunningly, thus: A countrey Farmer commeth to an Vſurer, and telleth him of ſuch a leaſe for yeeres to be ſold, for three hundred pound. If it pleaſe you (quoth the Farmer) to deliuer mee ſo much money, I will buy that leaſe in your name with your money; you ſhall ſit ſtill, neuer trouble your ſelfe to looke after it; let me be your tenant for thirtie pound a yeere, and I will put you in good ſecuritie for the paiment of three hundred

pound

pound, when the leaſe ſhall expire. This is vſury vnder the colour of letting.

4 Sometime it paſſeth vnder the colour of free loane or mutuation. A poore man deſireth a Goldſmith to lend him ſuch a ſumme, but he is not able to pay him Intereſt. If ſuch as I can ſpare (ſaith the Goldſmith) will pleaſure you, you ſhall haue it for three or foure moneths. Now, hee hath a number of light, clipt, crackt peeces (for ſuch hee vſeth to take in change with conſideration for their defects:) this ſumme of money is repaid by the poore man at the time appointed in good and lawfull money. This is vſurie, that is, gaine for loane, vnder colour of free loane. Or thus: A yong Gallant would borrow an hundred pound for a yeere; the Vſurer in kindneſſe will lend him ſo much freelie for three moneths. The Gentleman glad to finger the money, accepteth his kinde offer. The Vſurer takes ſure bonds, knowing that he who is ſo hungrie for a yeere, will not be in caſe to pay at three moneths; then ſhall the forfeiture of the bond pay the Intereſt of the money with aduantage; only, forſooth, becauſe the Creditour is exceedingly damnified in being diſappointed at the time. This were vſurie, if the craftie purpoſe of the Vſurer were diſcouered. Or thus: One lendeth tenne pound vpon a pawne of bedding or linnen, and hee lendeth it freely: but as the other vſeth his money, ſo hee likewiſe vſeth his pawne. This is vſurie; for the bedding or linnen is ſenſibly worſe for the wearing, ſo is not the money.

5 Sometime vnder the colour of *Merchants exchange*, deliuering money vpon bils at home, to be paid in other countries: A practiſe which ſome would vtterly condemne; but conſidering the great vſe of it, I would not raſhly condemne it: but will imagine rather how it may haue his grounds in equitie and iuſtice.

1 Either becauſe the office of tranſportation is therein implied. For hee who deliuereth money here to be repaid beyond the Sea, performeth the ſame office, and doth the borrower no leſſe benefit, then if he conueyed his money for

for him out of another countrey home; and ſomwhat more, becauſe this is done inſtantly, that could not be done but in longer time.

2 Or elſe, becauſe money preſent is more worth then abſent, not in any vſurious reſpect, but in a lawfull eſtimate; for there is no preſent vſe of that which is abſent. And beſides, that which is in another countrey, cannot be made preſent without ſome coſt, labour, or perill.

3 Or in reſpect of the value of money in the place where it is paid vpon bill: for though the value of coynes remaine one and the ſame, yet ſummes of money may riſe and fall in exchange (woe be to thē who conſpire to raiſe them) yet ſcarſitie of money at ſome times may make great ſummes more pretious, and harder to come by; and then euery man drawing as much as he can home, it maketh the tranſportation from forraine places to be of greater difficultie.

This *Reall Exchange* though it may ſtand iuſtifiable vpon his owne grounds, yet, vnder it, is cloaked a myſterie of iniquitie, that is, of vſurie; either by that vſance and double vſance, vſed only to an vſurious intent: or ſpecially by that counterfeit Exchange, termed by the name of *Cambium ſiccum*, or, *drie Exchange*; becauſe it hath no more iuyce or ſap then a painted tree, either in charitie or equitie: but being a griping vſurie vnder the title of Exchange, it drieth vp the fountaine of both.

6 Sometime it masketh vnder the habit of hazard and aduenture. For becauſe in that which is *mutuum*, hee that lendeth paſſeth away together with the propertie, all hazard and aduenture of the principall. A man therefore to preuent this, will deliuer thirtie pound the ſixt of December, to receiue 33. pound for it the ſecond of Iune next following, if the ſonne of the ſaid lender be then aliue. If hee die before the day, that then the debtor ſhould pay but 27. pound of the principall. This was [h] *Claytons* caſe, adiudged to be vſurie. For that this hazard or vncertaintie of life is not to be accounted of: becauſe by the ſame reaſon that he may adde one life, hee may adde many. If it be not ſenſible

[h] L. *Cooke* in 5. part of *Reports*.

ſible and proportionable, it is but a mockerie.

But put the caſe of a mans owne life, and make the aduenture more ſenſible and proportionable. As thus: A man hauing no charge to leaue behinde him, or little care of them, vſeth to lend out his money for ten in the hundred, *if he ſhall liue vntill the daies of paiment*; prouided alwaies, that if he the ſaid Creditor die, then his executors ſhall receiue but foure ſcore pound for the hundred pound. His caſe then ſtandeth thus: Firſt, he hopeth to liue many yeers, and when he dieth he is ſure to die but once: then ſhall his executors (who thoſe ſhall be God knowes, and not he): his executors, I ſay, ſhall pay twentie in the hundred, of ſuch ſummes only as then ſhall be abroad at vſe. Vnder colour of this aduenture (which ſelfeloue in many maketh no aduenture) hee would lend his money, and liue vpon the loane, while he liueth. But tell me, in good ſooth, wilt thou take ten in the hundred if thou liue? then by this couenant thou wilt be an Vſurer if thou liue. No condition ſhall barre thee from it, but only death. Then, verely of neceſſitie, thou muſt die an Vſurer by vertue of the ſame couenant. And tell me in thy conſcience, doeſt thou thinke thy Executors after thy death can redeeme thy ſoule from that ſinne wherein thou diedſt; by paying ſo much in the hundred of thy wealth, which then ſhall be none of thine? *Filij huius ſeculi*; how wittie and ſubtill are the children of this world in twiſting ſnares to intangle their owne conſciences at the houre of death? *Qui volunt eſſe diuites*: They that will be rich (ſaith the[i] Apoſtle) not they that would by lawfull and direct meanes; but, *they that will be rich fall into temptations and ſnares*: ſuch ſnares as the more they ſtruggle to get foorth, the faſter doe they intangle themſelues.

[i] 1.Tim.6. 9.

Loſe.

Chap. V.

Of the second terme of the definition, Pactum, *Couenant.*

ALbeit an ouerplus or increase bee giuen and receiued for the meere loane, either of money, or of any thing which passeth by Number, Weight, or Measure; yet it is no vsurie, except it be by some couenant or contract before. This also is essentiall, and expressed in the very letter of the law of God, *Thou shalt not impose vsurie*, &c. So doe *Vatablus*, *Pagnin*, and *Tremellius* reade it, *Non impones*. So likewise the Greek Interpreters, οὐκ ἐπιτόκιζεις. Now there can be no exaction or imposition vpon a free person but by way of couenant. A couenant is *a mutuall agreement vpon a certaintie*. First it must be an agreement, that is, a voluntary consent, presupposing both libertie of will to giue assent, and abilitie of vnderstanding to know the thing agreed vpon. Secondly, it must be mutuall. For though one partie agree vnto it, yet it is no couenant vnlesse both giue consent mutually. Thirdly, that mutuall agreement must be reduced vnto a certaintie, else it is void. If both parties doe not vnderstand one certaine thing, it is no couenant: and therefore we see, that a conditionall couenant, because it dependeth vpon some future vncertaintie, is no couenant at all; but vpon this condition, that, that vncertaine thing doe proue certaine.

Exod. 22. 25.

If a mans money freely lent for a time, be by force retained past that time, to the sensible detriment of the lender; we haue before concluded that a recompence is due. But in case a couenant bee made of free loane for such a time, and if it be not repaied at such a time, then so much to be allowed for Interest: this couenant maketh vsurie, which before was none.

A man lendeth his neighbour a summe of money to trade

trade withall, and that freely. This borrower becommeth a gainer: out of his thankfull minde he doth gratifie the lender with ſome part of his gaine. This is no vſurie, but a thankfull gratuitie, termed by the name of *fœnus liberale*; and it is lawfull to giue and take, where it is not lawfull to couenant or contract before. For as to gratifie a Patrone for preferment, a Iudge for iuſtice, vpon any precedent ſtipulation, promiſe, or demaund, is *Simonie* in the Church, Briberie in the Common-wealth: ſo is it vſurie in any faſhion to contract before the time of the loane. The reaſon of all this is, becauſe neither iuſtice, which God and nature haue made free for all; nor ſacred things ſanctified and ſet apart for the ſeruice of God; nor workes of mercie, bountie or fauour, as giuing and lending; are in their owne natures any waies capable of bargaine and ſale. Couenant therefore is that which poyſoneth the nature of them, and turneth them into ſinne; the ſinne of Simonie, Briberie, Vſurie: let them goe together.

But that men deceiue not themſelues in miſtaking this terme of *Couenant*, vnderſtand briefly the latitude of it: It is either reall, by pawne laid in both for principall and Intereſt: Or literall, by writing without pawne, as by bill, booke, or bond: Or perſonall, without writing, in taking another man for ſuretie beſides the borrower: Or verball; either by promiſe without ſuretie before witneſſe, or by ſecret ſtipulation, betweene themſelues without witneſſe: Or ſilent, without word, witneſſe, writing, or pawne: and this ſilence either of one partie, or both. Of one thus:

An Vſurer ſaith, *I will lend you thus much money, but ſo much Intereſt you ſhall pay me.* The borrower takes it in ſilence: this ſilence is a promiſe, and that promiſe a couenant. Nay, where there is ſilence on both ſides, there may be an vſurious couenant. A common borrower commeth to a common Vſurer to take vp an hundred pound for three moneths; there is neither bill, bond, promiſe, nor demaund for any Intereſt: only this; the borrower knoweth how that Vſurer neuer lendeth his money but for tenne in the

hundred. Likewiſe the Vſurer knoweth how that borrower neuer taketh vp, but vpon Intereſt. The very act of borrowing and lending in theſe two parties by common intendment, is a couenant for Vſurie: and euery couenant whatſoeuer, whether it be ſilent or expreſſe; whether it be bare and naked in promiſe, or inueſted by further ſecuritie, if it be a couenant for loane, it is Vſurie.

CHAP. VI.

Of the third terme, Lucrum, *gaine.*

ALbeit there be a couenant meerely for loane, yet if there be no lucre, it is no vſurie. I vſe the word *Lucre*, rather then *Gaine*, becauſe it is more proper for this purpoſe in the Engliſh. [a] *Godlineſſe is great gaine*, but godlineſſe is no lucre. Lucre is cleere gaine in money or money worth. That which is couenanted or agreed vpon for meere loane, muſt alſo be cleere gaine. For where equalitie is, there can bee no vſurie: Cleere gaine either in money, which is a certaine price, or elſe in money worth, which is valuable and to be rated at a certaine price; for (as [b] S. *Ambroſe* ſaith) *Et eſca vſura eſt, & veſtis vſura eſt, & quodcunq; ſorti accedit vſura eſt; quod velis ei nomen imponas, vſura eſt:* Be it meate or apparell, or any ouerplus aboue the principall, what euer you call it, it is Vſurie.

[a] 1.Tim.6.6

[b] *Lib. de Tobia, cap.14.*

A man lendeth money to his neighbour freelie in his need, (for though hee be a rich neighbour, yet vpon occaſion he may want a ſumme of money for lawfull and neceſſarie imployments:) promiſe paſſeth to requite his kindnes another time in lending him as much againe for his occaſion. Here is a couenant for loane, yet no vſurie: becauſe no couenant for cleere gaine, but one good turne for another. And where there is equalitie there is no vſurie. Chriſt alloweth [c] τὰ ἴσα in this kinde.

[c] Luk.6.34

A man oweth me ten pound. I wot not how to come by it:

it: He commeth to me for tenne pound more: I condition with him that he ſhall put in good ſecuritie for the whole debt of twentie pound: which if hee doe willingly yeeld, this is to me, as the caſe now ſtands, a profitable couenant for the loane of money; yet it is no vſurie, becauſe no cleere gaine, but only a recouerie of mine owne due debt, without wrong offered to any.

A man lendeth money to get the friendſhip of ſuch a perſon as may ſtand him in ſtead. *A friend in Court is worth a penny in the purſe.* But becauſe his friendſhip cannot be valued or ſet at a certaine price, therefore it is no lucre, and conſequently no vſurie.

A ſhopkeeper lendeth money freely to a Chapman, couenanting with him that hee will not bauke his ſhop, but that he may take his money before another. This is gaine to the ſhopkeeper: but it is not valuable at any certaintie, ſo long as hee may be ſerued in that place for his money as well as elſewhere. But in caſe he make him pay dearer for his ware, becauſe he lent him money, that is vſurie.

I lend a poore labouring man money freely, but conditioning that he ſhall worke ſo many daies with me in harueſt freely; this is vſurie: for a daies worke is valuable at a certaine price: therefore is it lucre and money worth.

There is an Office or Leaſe fallen void of ſuch a yeerely value: I lend my Courtly friend a ſumme of money for ſuch a time, freely without vſurie; onely couenanting that he will procure the ſaid Leaſe or Office: This is vſurie; for though his friendſhip at large was not valuable, as is aforeſaid, yet now being reduced vnto a certaintie, in this particular, it may be valued at a price. Therefore is it lucre, and ſo conſequently direct vſurie.

Chap. VII.

A briefe recapitulation of that which hath been said.

BY that which briefly hath been deliuered, it may in some sort appeare, how vsurie hath been called, and what it is. The Gentiles, both Romanes and Grecians, led by the light of nature, termed it the vnnaturall brood or generation of that which by nature is barren. The spirit of God in Scripture hath branded all increase and ouerplus, whatsoeuer aboue the principall, by the name of a biter or gnawer; as appeareth by the exegeticall ioyning of *Tarbith* with *Neshec*, in the Law and the Prophets. Which increase and ouerplus comming for the loane, either of money, or any thing which passeth by number, weight or measure, if it come meerely for loane, without any other valuable consideration: and meerely for that loane which passeth ouer the propertie, and with the propertie the perill and aduenture of the principall: and if it come for this loane, not by way of gratuitie afterward freely giuen; nor in the name of satisfaction for damage suffered by the lender without his owne act and consent; but by former couenant and voluntarie contract betwixt the borrower and the lender: and if this couenant be for lucre and gaine, cleere gaine, valuable gaine, ratable at a certaine price, either in money or money worth; then is it that vsurie whereof the question moued is now to be discussed: *Whether it be a thing indifferent in it owne nature, in any kinde allowable*; or, *whether it be simplie to be condemned as a sinne before God.*

In this defining of Vsurie, and distinguishing of it from all such practises as be only like vnto it, and doe border vpon it; we ought so neere as wee can, to cut it by a threed; and in the examining of the seuerall branches we shall meet with much finer and subtiller threeds, then hitherto wee haue:

haue:(ouer fine, I confeſſe, for ſo blunt an inſtrument.)Notwithſtanding this caueat I would gladly commend vnto you before hand; that if this vſurie thus deſcribed, do proue to be a ſinne of that nature and degree, as I am afraid it will; men would not inure themſelues in their commerce to coaſt ouer neere vpon it, leſt by little and little they be inticed by ſo ſweete and pleaſant a baite, as this kinde of luere is: for the ſweeter bait the diuell vſeth, the more dangerous is the hooke. It was the wiſedome of God in the training vp of his Church at the firſt, to make Ceremoniall lawes, as a pale to hedge in and compaſſe his Morall law, like the railes about Mount Sinay; to the end that by the obſeruing of the Ceremoniall, men might be kept alooſe from the tranſgreſſion of that which is Morall; as the abſtaining from the blood of beaſts taught them how farre they ſhould bee from blood-thirſtines and crueltie towards man. A point ſo eaſie that it is obſerued in matters moſt triuiall. A man will not ride ſo neere the brink of a pit or ditch as he can, for feare of falling, but keepe a certaine diſtance off, that he may be the more ſecure. It is wiſedome in iourneying, I would to God it were ſo in liuing. For as in nature, oppoſites meete not without a middle nature, ſo in moralitie, Vertue and Vice touch not without ſome indifferent thing. There be certaine brackiſh qualities which ſauour of vice, yet cannot abſolutely be condemned; euen ſo for vſurie: there be ſome contracts neere vpon it, which notwithſtanding being filed and refined with many diſtinctions and cautions, may happelie proue indifferent and lawfull: yet ſure it is, thoſe men who will not abſtaine from ſome things which are lawfull, ſhall of neceſſity commit manie things which are vnlawfull.

The end of the firſt Booke.

THE

THE SECOND BOOKE PROVETH VSVRIE, AS IT IS BEFORE DEFINED, TO be vnlawfull: First by authoritie; next by reason.

CHAP. I.

Wherein are propounded places of proofe from authoritie.

ALL proofe is reduced generally to two heads: Authoritie, and Reason. In the former wee see with other mens eyes: In the second with our owne. And though it bee a wise mans part to see with his owne eyes; yet must wee bee fooles first, that wee may be wise; Cisternes, before we be Conduits: for hee that will not suffer himselfe to be led first and guided by others, shall neuer be able to finde the right way himselfe: and certes, good authoritie, neuer had aduersarie but pride and singularitie: I meane the authoritie of the most and the wisest.

Let vs consider then in the first part of this booke, what they haue thought in former ages of this point, who haue been much wiser then our selues, and haue had as iust occasion to looke into it: for Vsurie is no new deuice, but an ancient sinne, which hath been continually practised in all ages, and in the most famous and flourishing nations of the world. The authoritie therefore of the wise and learned in former

former times ought to be a great motiue to ſway our iudgements in this point; and if there be any goodneſſe or lawfull moderation in vſury, doubtleſſe ſome of them haue found it out.

1 But before we come vnto them, we will firſt lay that diuine authoritie for a foundation to the reſt, which is beyond all exception. For the teſtimonie of authoritie, which of all arguments in Logicke is the weakeſt, is the ſtrongeſt in Diuinitie.

Let vs ſee therefore in the firſt place, what the Scripture ſaith of vſurie, for it, or againſt it. For where that Oracle vouchſafeth to ſpeake, there is not any need of further authoritie for confirmation. They are therefore ouer ſimple, who doe imagine that humane authoritie is alleaged to adde authoritie vnto Scripture; as if that were defectiue: *Sola ſufficit ad omnia ſatis ſuperque:* It is alone alſufficient for authoritie, if it be not miſtaken. The Church therefore doth comment vpon the Scripture, only for explication of the text. The text is abſolute in it ſelfe, but obſcure vnto vs, in regard of the weakenes of our vnderſtandings, and variety of apprehenſions. We muſt therefore of neceſſitie borrow light from others, eſpecially in theſe difficult caſes of conſcience, which ſubtill wits haue ſpun into ſo many fine threads, and which depend vpon ſo many circumſtances.

[a] *Vincentius Lirinenſis.*

2. And becauſe conſent of Churches doth adde great validitie vnto authoritie, it will not be amiſſe firſt to ſee what the Fathers of the Eaſt Church thought among the Grecians; and how the Weſterne Church hath ſeconded the ſame among the Romanes in her puritie, before ſuch time as corruption had ouergrowne her.

3. Afterward when corruption both in doctrine and manners had ſpread ouer, and blemiſhed the face of the Church, it wil be obſeruable, how this doctrine concerning vſurie did preſerue her ancient integritie.

4. But becauſe all theſe are but the teſtimonies of ſeuerall learned men in their writings, ẏ which may be added as the voice of the Church ioyntly aſſembled in Councels,

will carrie more weight with it.

5. Moreouer, becauſe a dwarfe ſet vpon a Giants ſhoulders, haning the vantage of his whole body, may happily ſee further then the Giant himſelfe; we will ſee what our moderne writers haue added vnto the authoritie aforeſaid; and whether our reformed Churches haue reformed any thing concerning this point. All theſe put together (if they had a good Collector) would make ſo ſufficient a comment vpon the law of God concerning vſurie, as a man of learning and modeſtie would not eaſily gainſay.

6. But we haue yet a larger field to walke in: for this is a queſtion of that nature, as is not onely determinable by the law of God in Scripture; but alſo by the law of Nature, thoſe maximes and principles of common equitie, which are written in the hearts of men by the finger of God. Thoſe ſtudents of Nature therfore, the Philoſophers, may of right challenge a voice in this buſineſſe.

And becauſe the experience and practiſe of States and Common-wealthes doth adde much to the twilight of Nature, eſpecially in theſe matters of negotiation and commerce betweene man and man; it will not be much out of the way, to obſerue by the way, what ſuch writers haue obſerued in their Politikes, for the publik good; which in this point is eſpecially to bee obſerued, euen for conſcience ſake.

7. Laſt of all, becauſe we haue not a better rule to proceed by, in the ſearching of what is good and lawfull in a well gouerned eſtate, then thoſe wholeſome lawes which haue been eſtabliſhed vpon ſage aduice and deliberation, out of long experience, and the receiued grounds of common equitie: it will be behooffull and materiall to liſten a little to the Canon and Ciuill lawes, which haue gouerned ſo many Nations, both Chriſtian and Heathen: and finally, to returne home and note (though briefly, as becommeth Diuines) what the Municipal, or Common law of this land, vnto which wee are ſubiect, hath decreed concerning this matter.

Now

Now if theſe authorities ſhall ioyne in one againſt vſury, they who ſhall oppoſe themſelues in defence thereof, had need to come well appointed with ſtrong arguments and ſound reaſons, or elſe me thinkes we ſhould hardly beleeue them.

CHAP. II.

The Teſtimonie of Scripture.

IF we take our Sauiour Chriſt his diuiſion of the Scriptures, which he made to his diſciples going to Emmaus, into [b] *Moſes, the Prophets*, and *the Pſalmes*; theſe bee all three againſt vſurie. *Moſes* wrote fiue bookes, two of hiſtorie, and three of law. In euery one of his law-books, *Exodus*, *Leuiticus*, and *Deuteronomie*, there is an expreſſe law againſt vſurie.

[b] Luk.24. 44.

Exod.22.25. *If thou lend money to my people, to the poore with thee, thou ſhalt not be as an Vſurer vnto him, thou ſhalt not oppreſſe with vſurie.*

Leuit.25.35. *If thy brother be impoueriſhed or fallen into decay with thee, thou ſhalt releeue him, and as a ſtranger or a ſoiourner, ſo ſhall he liue with thee; thou ſhalt take no vſurie of him nor vantage, or more then thou gaueſt. Thou ſhalt not giue him thy money for vſury, nor lend him thy victuals for increaſe.*

Deut.23.29. *Thou ſhalt not giue to vſurie to thy brother, as vſurie of money, vſurie of meate, vſurie of any thing that is giuen to vſurie. Vnto a ſtranger thou maiſt lend vpon vſurie, but thou ſhalt not lend vpon vſury to thy brother, that the Lord thy God may bleſſe thee.*

Thus farre is the letter of the law, which is vehemently vrged by the Prophet [c] *Ezechiel*, by the [d] Pſalmiſt, and his ſon [e] *Salomon*. Againſt which law three exceptions haue bin deuiſed.

[c] Chap.18 13.17. Cha.22.12
[d] Pſal.15.5
[e] Pro.28.8

§ 2.

The firſt is verball (which wee touched in the ſecond Chapter of the firſt booke) in laying hold vpon the biting

word *Neſhec* auoiding the other word *Tarbith*; as if that would bite the cauſe. This verily is hard dealing, when the holy Ghoſt ioyneth two words of purpoſe together, both in the law and Prophets, to make his meaning full; that we ſhould preſſe the one, and leaue the other. When God is not content to forbid biting vſurie onely in *Neſhec*, but all increaſe in *Tarbith* and *Marbith*, doubling the ſecond frō the ſame roote, as if he would ſet the Emphaſis purpoſely vpon increaſe; theſe will haue it ſet vpon *Neſhec*, biting vſurie. What is it then which they would ſo gladly wring out of *Neſhec?* Forſooth that no vſurie is forbidden in Gods law, but onely biting vſury. And that there is no biting vſury, but when it is felt and knowne to bite (for wee muſt giue them that in, beſides, or elſe they be neuer a whit the neerer.) Alas good ſimple widowes, who are taught to liue ſecurely in the feare of God vpon vſurie; can they tell when, or whom, or how many their vſurie doth bite? Nay can the wiſeſt vſurers of them all tell? For if the borrower be bitten, he had beſt to keepe his owne counſell, and to ſet his beſt face vpō it: otherwiſe if the Vſurers do once ſmel him to be downe the wind, he ſhall ſeldome find them within. Can they tell when the Common-weale is bitten? Can they diſcerne how many poore people ſhall pay a pennie in the pound the dearer for them and their fellowes? No, no, vſurie walketh in the darke, it biteth, few know, when, where, or how. Onely thus much in general we muſt needs know, that the borrowers vpon vſurie cannot afford their ware ſo good cheape by nine or tenne in the hundreth, as if their ſtocks were free; and yet muſt they needs ſell as the market goeth. Therefore if there be not a ſufficient number to raiſe the market to their price, and ſo to caſt the burthen vpon the people, they themſelues ſhall feele the weight of it. To make this more plaine by the moſt accuſtomed and moderate vſurie of theſe times. If money be lent to ſpend vpon neceſſaries, there is no manner of queſtion made, but the borrower is ſore bitten in paying vſury, when he hath ſpent the principall. If it be lent to lay out for gaine, then muſt the

the borrower firſt be ſure of ſo much cleare gaine, as will pay the vſe, which is a reaſonable gaine of it ſelfe. For the Vſurers of nine or tenne in the hundreth doe liue well of their trade and grow rich by it. Yea many honeſt tradeſmen will confeſſe, that if they could with their owne free ſtocke raiſe the like gaine one time with another, that the Vſurer doth with his moneies; and with the like ſecuritie of the principall; they would thinke they had made a very good market, notwithſtanding all their care and trauell.

This reaſonable gain then muſt firſt be raiſed by the borrower, to pay the Vſurer; and ouer and aboue he muſt exceed this reaſonable gaine, to maintaine himſelfe and his ſeruants, becauſe this gaine is none of his. If he doe not exceed then, and that in ſome proportion, he hath loſt his labour, and ſhall feele himſelfe ſore bitten. If the borrower doe exceed the Vſurers gaine to maintaine himſelfe; I demand then who paieth this exceſſiue gaine ouer and aboue that reaſonable gaine of tenne in the hundred? Who but the Common-weale? Not ſo (ſaith the Vſurer;) for the borrower muſt ſell as the market goeth. It is very true. Therfore (ſay I) if hee and his fellowes be not able to raiſe the market to their owne price, they ſhall bee loſers: If they can inhaunce it (as they may the more eaſilie, becauſe the number of ſuch borrowers is great, and becauſe the reſt deſiring to ſell as deere as they can, will moſt willingly ioyne with them) then the Common-weale muſt needs beare the burthen, and eſpecially the poorer ſort, who buying all by piece-meale at the laſt hand, muſt be ſore bitten, though they know not by whom. One of the biting dogs which pincheth them ſore, is vſurie. Yet gladly would they perſwade vs, that vſurie in ſome other reſpect by way of amends, doth licke them whole againe. Becauſe by this meanes (forſooth) money is more ſtirring, and ſo by a quicker turne and returne, euery commoditie is more plentifull: for charitie and friendſhip in theſe daies bee not ſo common, that men would lend out their money ſo freely, if they had not gaine for the vſe. This is very true, it cannot be de-

nied. And the reaſon hereof is, becauſe the common practiſe of vſurie hath taught men to ſet a price vpon charitie and friendſhip; as if he, who lent his friend or a yong beginner one hundred pound for a yeere, did in effect giue him tenne pound cleere out of his purſe. But admit this dogge were tied vp; would rich men preiudice the Common-weale in theſe daies, by impriſoning their moneies in their coffers, thinke you? Verily if vſurie were not, men would tenter their wits, either in trading themſelues, or imploying others; rather then ſo current and neceſſarie a thing as money is, ſhould take ruſt in theſe peaceable and getting daies. But who would racke his braine, and moile himſelfe in the world, if he may ſit idle at home, and receiue ſo ſweet a gaine without labour, coſt, or aduenture? So that if borrowers eſcape, the Common-weale muſt beare it. If the Common-weale goe free (as ſeldome it doth) the borrowers are bitten. Sometime the burthen is diuided betwixt them; and ſtill the Vſurer is the gainer.

Vſury then biteth one or other, little or much, according to the degree of the intereſt: from the biting of the morning wolfe to the flea-biting: from that *Centeſima*, the hundreth part monethly, which *Nehemiah* complaineth of, which is twelue in the hundred (the moſt that we find tolerated euer amongſt the Heathen) vnto that *ſemiuncianum fœnus*, tenne ſhillings in a hundred pounds, ſcarce ſenſible: So that in euery *Tarbith*, there is a *Neſhec*, a tooth in euery vſurie: which becauſe it cannot be alwaies felt, or perceiued, it hath pleaſed God to adde that other terme, which is more ſenſible, *vſurie* or *increaſe*. The deuiſers therefore of this diſtinction, of biting and toothleſſe vſury, forced out of the word *Neſhec*, haue diſcouered two errors, whereupon they ſeeme to build as vpon a ſure foundation.

Zeph. 3. 3.
Nehe. 5. 11.

1. Firſt, they preſuppoſe, that if vſurie doe not bite the borrower, it biteth none at all; as if the publike good were not to be regarded, but euery man were for himſelfe, and his priuat commoditie. Which if it might be granted, then a man of credit might take vp money enough at intereſt to

buy

buy vp a whole commoditie, to ſell it after his owne price and pleaſure. The Vſurer & borrower here be ſafe enough; for the poore people ſhall pay double, and make both gainers. This is too plaine.

2 Next they doe imagine, that except the biting of vſurie be ſenſible and apparant, there is no iniquitie at all. But there be *myſteries of iniquitie*, which are not diſcernable to a vulgar eye at the firſt ſight. There may be iniurie without damage, and damage without ſenſe. Therefore as the holy Ghoſt hath expreſſed the ſenſible biting of vſurie in *Neſhec*: ſo hath he forbidden that which is more ſecret and couered in the word *Tarbith*; elſe wherefore ſhould *Tarbith* be added vnto *Neſhec*, both in the letter of the Law and the Prophets? either it muſt be added by way of an ἐπέκτασις, to make a gradation (as if not biting vſurie onely were forbidden, but any increaſe whatſoeuer;) or elſe it muſt be an ἐξήγησις, added by way of explication, and ſo of equall latitude with *Neſhec*: only declaring what God meant by biting vſurie, namely, any increaſe in that kinde whatſoeuer.

It is the manner of holy Scripture after that a law is giuen and a ſinne forbidden in a ſenſible terme; by the addition of a more generall terme, to expreſſe Gods meaning more fully; leſt men ſhould ſeeke libertie in reſtraining the former terme more narrowly.

The Commandement againſt theft is ſet downe in the ſenſible terme of *ſtealing*: the iniquitie whereof is apparant and ſenſible, diſcerned at the firſt ſight to be iniurious. But leſt men ſhould reſtraine the meaning of Gods law to that theft which is ſo ſenſible; the holy Ghoſt addeth, *dealing falſely*, or *circumuenting*: teaching thereby, that the ouer reaching of our brethren in bargaining and contracts, by any cunning and craftie dealing, is included in theft, though the iniquitie of it be not ſo apparant as that which is properly called ſtealing. In like manner, leſt men deſiring to get themſelues ſome libertie in this ſinne, ſhould reſtraine *Neſhec* vnto that palpable biting and oppreſſion which

Leu. 19. 11.

which hath no colour of equitie, God hath therefore added a more generall terme, forbidding all increaſe: adding that terme euer in the ſecond place, as an explication of the former. If any man therefore doubtfull of this branch alreadie handled, concerning the very words of Gods law, be deſirous to reſolue his owne conſcience; let him frame his caſe aright on this manner, and he may eaſily reſolue himſelfe of the ſafeſt way. Seeing the Law and Prophets haue ſimplie and directly forbidden vſury, vnder the proper termes both of *biting*, and *increaſe:* and ſeeing on the other ſide, that vſurie is a delicate gaine deſired of many; the queſtion is no more but this, whether we ſhould labour by diſtinction to reſtraine the words of God to our deſires, that wee might practiſe ſome moderate vſurie: or endeuour to conforme our deſires to the words of God, that wee might keepe a ſafe conſcience.

§. 3.

Exod. 22. 25. The ſecond exception is perſonal. We are forbidden (ſay they) to take vſurie of the poore, but not of the rich; for ſo runneth the text: *If thou lend money to my people, that is, to the poore, thou ſhalt not be as an Vſurer vnto him, thou ſhalt not oppreſſe him.* Againe, *If thy brother be impoueriſhed or fallen into decay, thou ſhalt take no vſurie of him.* Whereupon they would inferre, therefore of the rich thou maiſt take.

Theſe two anſwers be current in euery ones mouth. Firſt, *that God forbad onely biting vſurie.* Next, *that wee muſt not lend vpon vſurie to the poore.* Are we forbidden then to bite the poore only? and is it lawfull to bite the rich? *If thou lend money to my people, that is, to the poore, thou ſhalt not be a Noſhec vnto him*; that is, *a biting Vſurer.* Maiſt thou then be a *Noſhec*, a biting Vſurer to the rich?

Exod. 22. 25.

See then how vnſutable theſe conceits are, that one ouerthroweth another. Is it onely biting and oppreſſing vſurie which Gods law forbiddeth? then ſurely there is no reſpect of perſons, we muſt not bite or wrong any, be he rich or poore.

But what is their reaſon, why wee may lend vpon vſurie to

to the rich? becauſe there is mention of the poore only in the text, therefore it is likely the rich are not meant. It is true the poore are mentioned, and for that God ſaw great reaſon, becauſe they be moſt likely to borrow, and readieſt to be oppreſſed. And in the wilderneſſe where this law was giuen, there was none borrowed but only for need: therefore are the poore only mentioned.

Immediatly before this law of vſurie in Exod. 22. 22. is there a law for widowes and fatherleſſe children: *Thou ſhalt not trouble any widow, or fatherleſſe child.* Doth it therefore follow that thou maiſt trouble a maried woman, or a childe that hath a father? This Logick were no good Diuinitie: thoſe are named onely which are moſt ſubiect to oppreſſion. Yet this difference is vrged by the moſt learned of them, who ſeeme any waies to fauour vſurie: [f] *Quia melius poteſt carere abſq; damno*: Becauſe the rich cannot feele the biting ſo well; he may ſpare it better then the poore. If this were good reaſoning, what ſport might theeues and robbers make with *Salomons* words; [g] *Thou ſhalt not robbe the poore, becauſe he is poore?* Therefore we may robbe the rich becauſe he is rich, and may well ſpare it.

Obſerue further in the very text, as if God of purpoſe would preuent this cauill. In Deuteronomie there is no mention of the poore at all, but the Law is deliuered in generall termes, [h] *Thou ſhalt not giue vpon vſurie to thy brother, but to the ſtranger thou maiſt.* There is no limitation or toleration to any, but only to the ſtranger. If he be thy brother thou maiſt not take vſurie of him. Is not the rich thy brother, as well as the poore?

Adde moreouer, that as when the Law was giuen, there was none that borrowed but only the poore vpon neceſſitie: ſo afterwards in the [i] Prophets, when there might bee vſurie among the rich alſo, there is no mentiō of the poore: but vſurie is abſolutely forbidden without reſpect of perſons. If the law of God ſhould extend no further then to the perſons mentioned at the firſt giuing of it, wee ſhould make it very defectiue. For being giuen in the wilderneſſe

[f] *Caluin. Epiſt. de vſura.*

[g] Prou. 22. 22.

[h] Deut. 23. 19.

[i] Ezek. 18. 13. 17. Cha. 22. 12 Pſal 15. 5. Prou. 28. 8.

before the peaceable eſtabliſhing of Common-weales or kingdomes, it was then directed vnto particular families, [k] *Honour thy father and thy mother:* yet by vertue of theſe words, doe Kings and Emperours of due challenge obedience, though at the firſt giuing of the Commandement there was neither King nor Emperour in Iſrael. So likewiſe though the poore only were mentioned at the firſt, becauſe none but they did then borrow, notwithſtanding this intent of the law is to be extended, euen as vſurie ſhall extend it ſelfe to all perſons whatſoeuer.

k Exod. 20.

Laſt of all, it ſhall appeare that there may be as vnlawfull and as biting vſurie in lending to the rich, becauſe he is rich; as to the poore, becauſe he is poore. Therefore perſonall difference cannot diſtinguiſh lawfull and vnlawfull vſurie.

Becauſe thou wilt not oppreſſe the poore, thou wilt lend thy moneys to a rich Merchant, who ſhall take no hurt, but gaine largely both for himſelfe and thee. I demaund then to what end doth he borrow, being of ſo ſufficient wealth? Forſooth that hee may compaſſe greater matters then his owne ſtock will reach vnto. I aske then, what warrant there is in equitie and conſcience, either for him to borrow, or thee to lend?

If God hath bleſſed him with a ſtocke of his owne, by which he may liue in good faſhion, ſhall hee out of a couetous and vaine humour to become a Royall Merchant, reach beyond his reach? *Let him plough with his owne heifer,* and [m] *drinke of the water of his owne well:* elſe he bewraieth a couetous and ambitious minde, contrary to the Apoſtles rule: [n] *Be content with thoſe things which you haue.* He tempteth God in ventring more then his owne: whereas a Chriſtian mans reſolution ſhould be, that whatſoeuer befalleth, though *Iobs* calamitie fall vpon him, yet ſo neere as he can, hee ſhould loſe no more then his owne. Gods law did intend that none ſhould borrow but for need. A rich man, I confeſſe, may need vpon occaſion, and thou maiſt lend him freely to receiue the like courteſie from him another time: but

m Pro. 5. 15

n Heb. 13. 5

but to lend him that hee may get double or trebble gaine for thee and himſelfe, with thy wealth (who perhaps is of Maſter ◦*Gromelgainer* his opinion, who thought in his conſcience that a Merchants gaine is not to be ſtinted;) to lend to ſuch a one, I ſay, is to feed a greedie and ambitious mind in another, for which thou ſtandeſt anſwerable; becauſe thy money if it come to thee on Gods name, is Gods bleſſing, and God hath made thee a ſteward of his bleſſings; thou muſt therefore giue an account, when thou giueſt vp thy ſtewardſhip, how thy money hath been imployed.

◦ Dr. *Wilſon*, fol. 5.

Lend not then to the rich, becauſe he is rich. For as to lend him freely is no charitie, becauſe he needs it not; ſo to lend him vpon vſury is no equitie, becauſe thou doſt thereby enable, yea and incourage him the more to fat himſelfe by feeding vpon the Common-wealth: who will bee ſure with thy money to pay thy vſurie; to bee a ſweete gainer himſelfe, and to ſupply all by-loſſes beſides, or he will want of his will.

It was not therefore the meaning of God in his law to make any ſuch perſonall limitation of lending to the poore only, ſeeing that by this kind of loane euen to the rich alſo, there may be biting and oppreſſion in great meaſure: which caſes though they be not eſſentiall to the act of vſurie, yet are they ſufficient to demonſtrate that the perſonall difference of poore and rich, doth make no reall diſtinction betwixt lawfull and vnlawfull vſurie; which is to the purpoſe of this ſecond exception.

Let vs ſee further if there bee any other ſhift which the wit of man hath deuiſed to auoid this law of God. For neither of theſe two can ſtand by it ſelf: and if we ioyne them together one ouerthroweth another. For ſhall wee ſticke cloſe to *Neſhec*, and condemne only biting vſury, as if there were ſome which did not bite? Then muſt wee reſpect no perſons, but giue ouer this diſtinction of poore and rich: for verely we muſt bite none.

§. 4.

A third exception is reall, againſt the obligation of the

law it ſelfe. For that which is chiefly preſſed, by *Molineus* and his fellowes in this aſſertion, is this: *That vſurie is no further forbidden by that law of God in Moſes, then it is oppoſite to the rules of iuſtice and charitie.* Which we doe grant them moſt freely. For no more is theft, adulterie, murther, or any other tranſgreſſion of the ſecond table forbidden any otherwiſe, then as it ſtandeth in oppoſition to iuſtice and charitie. For *charitie* (ſaith the Apoſtle) *is the fulfilling of the law.* Rom. 13. 10.

So that whoſoeuer tranſgreſſeth the law, tranſgreſſeth iuſtice or charitie; though not all alike, nor in the ſame degree of euidence to be diſcerned; but ſome more obſcurely then other: which thing begetteth ſo many difficult caſes of iuſtice in lawes, and of conſcience in Diuinitie. Amongſt which this caſe of vſurie is not the leaſt, becauſe the iniquitie of it cannot ſo eaſily be diſcerned, as of theft and bare faced robberie, whoſe malice and iniuſtice doth open it ſelfe to the firſt ſight. And that vſurie is a thing in it ſelfe inordinate, and ſo conſequently oppoſite to iuſtice and charitie both, ſhall be more fully expreſſed when we come to the arguments drawne from thoſe places. But our preſent buſineſſe in this Chapter is to deale with the very text of Scripture, the written law of God.

Their meaning then who would patronize vſurie is this: that Gods expreſſe law againſt it is not morall binding Chriſtians; but iudiciall or politike only, framed peculiarly for that Common-wealth of the Iewes. Which conceit likewiſe ouerthroweth that former diſtinction of biting vſurie: for if God in that law doe forbid biting and oppreſſing vſurie only, then is that law morall binding Chriſtians as well as Iewes: except they would muzzle the Iewes, and giue Chriſtians libertie to bite and oppreſſe their brethren. Theſe groundleſſe conceits are built likewiſe with vntempered morter, they ouerthrow one another and themſelues.

When wee looke into the conſent of Interpreters, wee ſhall finde no queſtion made, but the law againſt vſurie is morall

morall and as binding as may be. Looke into the Prophets, and they euer combine this ſinne of vſurie with the tranſgreſſions of the Morall law in the higheſt degree, with *lying, backbiting, deceit, wrong, briberie*; Pſalme 15. with *Idolatrie, oppreſſion, adulterie, crueltie, vnmercifulneſſe to the poore, bloodſhed* and *murther*: Ezek. 18. with the *profanation of holy things*; with the *abomination of vncleannes*; with the *vnnaturall ſinnes* of *inceſt*, Ezek. 22. *Vſurie* (ſaith S. P *Baſil*) *is placed among the greateſt abominations*; all of them tranſgreſſions of the Morall law.

P ὲν μιγίστοις τῶν κακῶν. *Supplem. verſ.* 14.

It is true indeed there is a iudiciall and politique toleration annexed vnto this law, q *that the Iewes might take vſurie of ſtrangers*; but that maketh not the law it ſelfe iudicial, but rather morall. The Iewes had a diuorce permitted vnto them r in the ſame book of *Moſes*, the next chapter, and yet the 7. Commandement, to which that belongeth, is morall notwithſtanding: In like manner the Iewes might take vſurie of ſtrangers, which was a peculiar toleration for that nation, yet the law againſt vſurie is morall.

q Deut. 23. 20.

r Deut. 24. 1.

Of which peculiar permiſſion there was ſpeciall cauſe: whether we take it for all ſtrangers in generall, or for the Cananites and thoſe who dwelt among them in particular.

1. If it was lawfull for Iewes to exact vſurie of all ſtrangers that were not Iewes, that was permitted of God, as a wiſe lawgiuer to preuent the greater oppreſſion of his own Church and people. For if the Iewes had not had power to haue made their part good with the wicked Gentiles, the Gentiles would haue eaten vp Gods people.

Beſides, ſuch was the hardnes of Iewiſh hearts, that if they might not haue taken vſurie of ſtrangers, they alſo would haue made a pray euen of their owne brethren. Which toleration in ciuill reſpects might abſolue the Iewes in the externall Court, but not in the Court of Conſcience; no more then the toleration of diuorce did diſpenſe with that ſ hardnes of their hearts before God.

ſ Mar. 10. 5

2. If by ſtranger in that toleration bee meant onely the

remnant of the Cananites, as [t] S. *Ambrose* and [u] *Hierome* among the ancient, *Iunius* and *Tremellius* of latter time haue expounded it: then is there a more speciall reason of it, that they might deuoure them by peece meale, whom they could not ouercome at once. Whereupon saith S. *Ambrose*, [x] *Ab hoc vsuram exige, quem non sit crimen occidere:* Thou maist lawfully take vsurie of him, whom thou maist lawfully kill.

[t] *Lib. de Tobia, cap. 15.*
[u] *Lib. 6. in Ezek. 18.*
[x] *Lib. de Tobia, cap. 15.*

Now when the Cananites were once suppressed, we find all vsurie euer after simply forbidden without any such limitation. So the Hebrews vnderstood the 15. Psalme, as if it were vnlawfull for a Iew in *Danids* time to take vsurie of any Gentile. Which [y] *Lyranus* reporteth to be the opinion of *Rabbi Salomon*, and which [z] *P. Galatinus* noteth to be the iudgement of the Rabbines in generall. To which assertion S. *Hierome* vpon *Ezekiel* subscribeth: * *In the beginning of the law vsurie is forbidden towards thy brethren, in this Prophet towards all.*

[y] *In Exod. 22. 15.*
[z] *De arcanis Cathol. veritat. lib. 11. c. 4.*
* *Lib. 6. in Ezek.*

Which speciall permission of lending to a stranger (be it Cananite or stranger in generall, which for the present conclusion I leaue as a thing indifferent) doth rather confirme that law whereto it belongeth to bee morall, then otherwise; and so consequently vsurie to be simply vnlawfull. For lawfull things haue no need of permission.

Last of all, let that permission of lending to a stranger passe as nothing concerning Christians, because the partition wall being taken away, we are all brethren: and then the question for the interpretation of the law dependeth chiefly vpon this point, how farre that law of *Moses* against vsurie did binde the Iewes among themselues?

If all increase aboue the principall then was simply forbidden to the Iewes, as is granted by them who make this exception; I demaund what warrant Christians haue in assuming greater libertie herein vnto themselues, then was granted vnto the Iewes? Our Christian libertie I confesse is much greater then theirs was for rites and ceremonies, which were shadowes of things then to come, as the Apo-

stles

ſtles doe warrant vs. But for matter of equitie and charitie among brethren, God did vſe more toleration and conniuencie towards them, then he doth toward Chriſtians, of right looking for more fruite at our hands then theirs, in regard of that Goſpell of grace which we doe enioy.

If that vſurie alone which hath a *Neſhec* or oppreſſion in it was forbidden in the Law, as oppoſite to the rules of iuſtice and charitie, then was not that law iudiciall or peculiar for the Iewes, but obligatorie and ſtanding in as full force and vertue amongſt Chriſtians, as euer it did amongſt them.

So that grant them whatſoeuer they will demaund, let them winde themſelues which way they liſt, yet the law of God maketh ſtrong againſt them both in letter and ſenſe, condemning all vſurie for a ſinne.

§. 5.

As vſurie is a ſinne in it ſelfe by the cenſure of the text, ſo is it branded by the holy Ghoſt for a ſinne of that nature and degree which doth make ſhipwrack of conſcience: the continuance of which ſinne cannot ſtand with the grace and fauor of God. For God hath in his law noted this ſin, amongſt others, with ſome ſpecial marks of impiety, & hath ſealed his law againſt vſury with his owne ſignet and great ſeale. The ſame motiue which God vſeth by way of preface for the keeping of all his Commandements of both tables, he hath ſingled out and annexed it to this law againſt vſurie: *Thou ſhalt not giue him thy money to vſurie, nor lend him thy victuals for increaſe. I am the Lord your God, which brought you out of the land of Egypt, &c.* And againe, *Thou ſhalt not take vſurie of him, nor aduantage, but thou ſhalt feare thy God.* As if vſurie and the feare of God could not ſtand together. *Ezechiel* alſo concluding all the abominations therein mentioned with vſurie, hee ſealeth it vp with that fearfull cenſure, *Shall he liue? he ſhall not liue, he ſhall die the death, his blood ſhall be vpon him.*

And as *Dauid* doth excommunicate the Vſurer out of the Tabernacle of Gods Church, and depriue him of eternall

Leu. 25. 38. verſ. 36.

Ezek. 18. 13

Pſal. 15.

nall reſt in the holy hill; ſo doth his ſonne *Salomon* menace a curſe vpon his wealth ſo gotten, and vpon his poſteritie, who hoped to haue enioyed the ſame. *He that increaſeth his riches by vſury and intereſt, gathereth thē for him that will be mercifull to the poore.* That is to ſay, the Vſurers children ſhall neuer enioy them. How true that is which the painfull Preacher Maſter *Smith* obſerued concerning the children of ſuch in London, who grow wealthie by intereſt; and that which the penitent Merchant in D. *Wilſon* remembreth of Vſurers iſſue, I leaue to them who out of longer experience can ſpeake of that point.

Prou. 28. 8.

In the Sermon of Vſurie.

Let euery one therefore who deſireth to reſolue his conſcience for this matter by Scripture (the only true ground of a Chriſtian reſolution) let him conſider, I ſay, how neither vſurie nor intereſt, biting vſurie nor increaſe is euer once named in the booke of God, but it is condemned; condemned amongſt ſuch abominations as bring a curſe in ſtead of a bleſſing: an eternall curſe vpon the ſoule of the Vſurer, and a temporall curſe vpon his wealth & poſteritie.

Let ſome of theſe tender conſciences, who are ſo vrgent to call for warrant out of the booke of God for euery ceremonie and matter of forme in the Church, ſeeke a warrant for this their practiſe, which ſo neerely concerneth them; and let them ſeeke it at the Oracle of God, who hath not left it, as he hath many other things, either to the diſcretion of the Church, or wiſedome of Common-wealths; but hath vouchſafed to determine it in his own booke to our hands: to ſet downe an expreſſe law againſt it in Exodus; to renue and reuiue that law againe and againe in Leuiticus and Deuteronomie; to ratifie and confirme it with no other words then himſelfe vſed at the publiſhing of the whole Morall law; to ſpecifie the only limitation which he meant to tolerate for a time; to adde the promiſe of bleſſing to the keepers of this law; and to denounce ſuch fearefull iudgements againſt the tranſgreſſors of the ſame, vpon their wealth and poſteritie in this world, vpon their owne ſoules in the world to come.

Since

Since it hath pleaſed the Almightie God thus fully and exactly to expreſſe his will for our reſolution in this point; let vs not be ſo readie to flie from his expreſſe word to humane inuentions; I meane thoſe deuiſed diſtinctions which ſauour the ſeruice of Mammon more then the ſeruice of God; which ſauour the things that be of men, to wit, the profit, the eaſe, the ſecuritie, the ſweete gaine of Intereſt; a trade which fleſh and blood muſt needes affect and be greatly inclined vnto.

Chap. III.

Of the teſtimonie of ancient Fathers.

THere be a ſect of ſpirits in the world, who can not with patience endure to heare any authoritie alleaged ſaue onely Scripture: as if the very bare text it ſelfe did ſpeake ſo euidently to their vnderſtanding, that there were no neede of an Interpretour. And it falleth ſo out in this buſineſſe, as it doth in few points of queſtion beſides; that I could be very well content they would retaine their opinion ſtill, and put all Interpretors to ſilence; ſo might we ſpare further labour, and the queſtion were at an end. For the text neuer mentioneth any kinde of vſurie, but with deteſtation, without diſtinction, difference, qualification; condemning it, curſing it, denouncing plague vpon plague vpon it, as vpon a ſinne moſt odious. But ſee how ſtrangely it is come about of late times, that euen thoſe ſpirits which are moſt nice in theſe points, now the queſtion is come to a matter of profit and gaine, are of all others moſt readie to auoid the text, by new deuiſed trickes and inuentions of men.

Againſt theſe let vs aske counſell of the ancient and holy Fathers of the Church. So doth God by his Prophet direct his people of that time: [a] *Aske for the old way which is the good way, and walke therein, and you ſhall finde reſt for your ſoules.* [a] Ier.6.16.

soules. The way of these ancients, next to the Apostles, was the old way, and no doubt the good way, if we had grace to walke in it. We thinke our selues wiser then they; but I am sure they had more religion then we. Of this new learning for the defence of vsurie, I confesse they were altogether ignorant. Though they were fathers, yet *concerning naughtinesse they were children*, as the [b] Apostle wisheth them to be; they did simply and plainly take the holy Ghost as hee spake, conforming themselues to the Scriptures in this point most exactly; neuer mentioning vsurie, but condemning of it with so many inuectiues, as would fill a whole volume of themselues. But it shall be sufficient for vs only to giue a taste of some few, resting our selues vpon this generall obseruation, as for this point vnanswerable, that we finde not any of them which writeth of it, but writeth against it, without any mincing or qualifying of the matter.

1.Cor.14. 20.

If wee reuerence the iudgement of reuerend men, both for their learning and sanctimonie of life, let vs begin with that ancient holy Father, who hath fully expressed himselfe for this point: S. *Basil the great*, that *little sparke of Religion*, as [c] *Nazianzen* calleth him, left alone in the East, when all true professors seemed to be extinct.

[c] *In Epist. ad Basil.*

In his Supplement vpon the 15. Psalme he taketh this point in hand, grounding his censure first vpon the Law and Prophets, which in his vnderstanding doe cleerely forbid vsurie, and account it amongst the most hainous transgressions. To exact of the poore which borroweth for neede is inhumane; yet such inhumanitie was practised in his daies. Which thing though it be not the point now in question, yet the relation which that Father maketh of it, doth directly strike at the nature of all vsurie whatsoeuer. Take *Salomons* rule (saith *Basil* to the borrower:) *drinke of the waters of thine owne well*, sell thy cattell, thy plate, thy houshold stuffe, thy apparell, sell any thing rather then thy libertie. Worthily is vsurie termed τόκος, (as the same Father continueth his speech) for it breedeth and bringeth forth so many

ny miſchiefes one in the necke of another: an vnnaturall brood, like the generation of vipers, which eateth through the entrals of the mother. An vnnaturall and monſtrous brood: for whereas all fruites and cattel haue their appointed times to engender and bring foorth to their Lord and maſter; money to the Vſurer bringeth foorth to day, and beginneth a new trauell to morrow: nay that young breed which was but brought foorth to day, beginneth it ſelfe to beare to morrow. And whereas other creatures, the ſooner they begin to beare, the ſooner do they leaue off; Money by vſurie beginneth betimes, & increaſeth without end. Come not therefore vnder the ſlauerie of this monſter. Thou haſt hands, thou haſt ſome calling; doe ſomewhat and liue accordingly. If thou bee rich, thou needſt not to borrow; if thou be poore, borrowing will not relieue thee. Wouldeſt thou renue *Sampſons* riddle, *Out of the eater came meate?* Wouldeſt thou *gather grapes of thornes?* The thornes will wound and pearce thee: thou falſt into the hands of thoſe *monethly diuels, which follow the courſe of the Moone to afflict poore men with a foule ill or falling ſickneſſe. Thus and much more fully to this purpoſe hath that learned Father written, dehorting all men poore and rich from borrowing in this kinde, inueighing ouer bitterly againſt Vſurers, not only for their greedie crueltie againſt their poore debtors, but for liuing vpon ſo vnnaturall and vnkinde increaſe as vſurie is. Dogs, monſters, vipers, diuels? This is too harſh. But wee muſt beare with him; if hee liued, as they write hee did, moſt vpon bread and ſalt, may bee it was his humour to giue ſuch drie and ſharpe cenſure vpon the money-mongers of his time.

* ἐκ τετραετηρίδος καὶ δεκατετραετηρίδος γίνονται οἱ τοὺς ὑδρωπικοὺς ποιοῦντες δαίμονες, καὶ κατὰ τὰς πανσελήνους τοὺς σελήνης ὀνομαζομένους τοὺς πάσχοντας.

Let vs ſee then what S. *Chryſoſtome* thought, who hath taken great paines in this point; his golden mouth, wee hope, will vtter no ſuch bitternes.

He lamenteth much the eſtate of the Church in his time, for that ſo grieuous a diſeaſe as vſurie is, was then fallen vpon it: yet they were very charitable Vſurers in his time; for their ordinarie excuſe was, *Fœneratus ſum, ſed pauperi obtul;*

In Matth. Hom. 57. Grauis (deteſtiſſimi) morbus, &c.

tuli; I haue taken vsurie, but I haue giuen it to the poore. But God (saith *Chrysostome*) is not delighted with such sacrifices; thou hadst better not giue at all then giue such almes. Doe not you your selfe count vsurie *sordide*? Doe not the lawes forbid Senators and publike persons to defile themselues with such filthie lucre? This law against vsurie (saith the same Father) was giuen to the Iewes in the beginning, when they were but rude, that they should not take vsurie of their brother; how can Christians then be excused who shew lesse humanitie to their brethren then Iewes, and are found worse in time of grace then the Iewes were vnder the law?

Homil. 41. *in Genes.*

The author of the vnfinished worke vpon *Matthew*, though it be not *Chrysostomes*, yet agreeth with him in this; that *while vsurie seemeth to giue, it taketh; while it seemeth to succour, it oppresseth; while it deliuereth from one bond, it inwrappeth in many. It lulls men asleepe like the poyson of aspes, and as leuen it conuerteth the whole substance of man into his owne nature, that is, into debt.*

Homil. 12.

For *Clemens* [a] *Alexandrinus*, for [b] *Greg. Nyssen.* for [c] *Gregor. Nazianz.* &c. it will be sufficient onely to gather their voyces; because they did but taste and spit out.

[a] *Strom.* λογ. 2.
[b] *Epist. ad Lato.*
[c] λόγῳ εἰς πατέρ.

§. 2.

If wee looke Westward, [d] *Tertullian* doth but touch it, and reiect it. [e] *Lactantius* saith, *It corrupteth the benefit of loane, against charitie; it taketh that it neuer gaue, against iustice: and a righteous man will neuer be polluted with such gaine, but will euer haue his lending to be reckoned amongst his good deedes.* [f] S. *Ambrose* saith, *There is nothing more horrible then an Vsurer; he is an odious man, and his money is a viper.* In conclusion, he vseth this argument against it: *Si licitum, est cur vocabulum refugis? cur velamen obtexis? Si illicitum, est cur incrementum requiris?* If vsurie be lawfull, why doest thou auoid the name? why doest thou put a vaile ouer it? If it be vnlawfull, why doest thou receiue any increase?

[d] *Lib. 4. cont. Marcion.*
[e] *De vero cultu l. 6. cap. 18.*
[f] *Lib. de Tobia ca. 12*

If wee desire S. *Augustine* his iudgement for this point, (who

(who is in ſtead of many) hee is ſo confident that he appealeth to the Vſurers themſelues, who practiſed in his daies: [g] *Quam deteſtabile ſit, quam odioſum, quam execrandum, puto & ipſi fœneratores norunt:* How deteſtable a thing it is to giue money vpon vſurie, how odious, how execrable, I ſuppoſe the Vſurers themſelues are not ignorant.

[g] *In Pſalm.* 36.

But hee might happely ſpeake of ſome exceſſiue vſurie, or extortion. Obſerue therefore how preſently hee explaineth himſelfe in the very ſame place: *Si aliquid plus quam dediſti expectes accipere, fœnerator es & in hoc improbandus:* If thou looke to receiue any thing more then thou gaueſt, thou art an Vſurer, and therein to be condemned.

The common obiection which is made for vſurie in the behalfe of ſuch as haue a ſtock of money and not skill to vſe it; is anſwered by the ſame Father ſomewhat ſharply: *Audent etiam fœneratores dicere, non habeo vnde viuam; hoc mihi & latro diceret deprehenſus in fauce: hoc mihi & effractor diceret deprehenſus circa parietem alienum: hoc mihi & leno diceret, emens puellas ad proſtitutionem: hoc mihi & maleficus diceret, incantans mala, & vendens malitiam ſuam:* The Vſurers alſo (ſaith he) dare ſay they haue not elſe whereon to liue: ſo may the robber ſay, taken in the theeues haunt: ſo may the burgler ſay, catched vnder another mans wall: ſo may the bawd ſay, who buyeth young women for proſtitution: and ſo may the witch ſay, inchanting miſchiefe, and ſelling euen malice for money. His finall ſentence is, [h] *That Vſurers belong not to the Church of God.*

In Pſalm. 128.

[h] *Ad Macedon. & Habet.* 14 q. 4. *Can. Quid dicam.*

Shall wee deſcend any further? *Leo* the Great is well worth the noting: [i] *Quilibet ſequatur euentus, mala ſemper eſt ratio fœnerantis, vt aut miſer ſit amittendo quod dedit, aut miſerior accipiendo quod non dedit. Multiplicatur quidem facultas iniuſtis & triſtibus incrementis, ſed mentis ſubſtantiæ contabeſcit; quoniam fœnus pecuniæ funus animæ:* What euer the euent be, bad is the condition of the Vſurer: for the wretch ſhall either loſe that he gaue, or be more wretched in taking that he gaue not. His ſubſtance indeed is multiplied by vnlawfull and wofull increaſe, but the ſubſtance

[i] *De ieiunio. 10. menſis, ſerm. 6.*

of the inward man dieth. For monies intereſt is the ſoules funerall: a dead ſoule, dead and buried in ſinne is the ſoule of the Vſurer.

[k] *Epiſt. 322. ad Spirenſes.*

Let me conclude with deuout [k] S. *Barnard: Taceo quod ſicubi deſunt Iudæi, peius Iudaizare dolemus Chriſtianos fœneratores. Si tamen Chriſtianos, & non magis baptizatos Iudæos conuenit appellare.* He writeth with griefe that which willingly he would conceale; *That if Iewes were any where wanting, Chriſtian Vſurers did play the Iewes worſe then themſelues.* If it be fit (ſaith he) to call them Chriſtians, and not rather baptized Iewes.

So farre were theſe holy learned Fathers from moderating or qualifying this practiſe of vſurie, that whenſoeuer any of them doe meete with it, they ſharpen their pens as if their ſpirits were moued and ſtirred in them more then ordinarie. Verely they diſcerned ſome malignant and venomfull qualitie in vſurie, which oppoſed it ſelfe vnto that ſpirit by which they wrote.

Chap. IIII.

Of the later times of ignorance.

AS the bodie is proportionable to the head, ſo is the myſticall bodie of Chriſt conformable to himſelfe, eſpecially in his paſſion. For as the Church ſhall be like him in glorie, ſo muſt ſhe be likewiſe in ſuffering. As Chriſt therefore had firſt a bloodie and then a cloudie paſſion, when [a] *darkneſſe was vpon the earth, from the ſixth houre to the ninth:* ſo after thoſe bloodie perſecutions of the primitiue Church were ouer, that ſhe grew from peace to ſecuritie, ſhe was ſtrangely eclipſed with ignorance and blindnes; a miſt of darkneſſe was vpon her; during which time notwithſtanding many points of moralitie, eſpeciallie this againſt vſurie, did continue and retaine their former integritie. Which I muſt aſcribe eſpecially vnto two cauſes.

[a] Mat. 27. 45.

1. Firſt,

1. First, the doctrine concerning workes of charitie was very well preserued & vehemently inforced in those times; because it was a profitable doctrine by which the Church did thriue and grow full. Therefore they would be sure to keepe out those sinnes which strike so directly at Charitie, as Vsurie doth; like that *cambium siccum*, which drieth vp the very roote of charitie and equitie.

2. Secondly, the Fathers of the Church by their inuectiues, in former times, had made such an impression in the mindes of Christians against vsurie, that in time it grew so odious and detestable, as it was no fit time for the diuell to bring in that sinne, vnlesse it came very cunningly disguised: in so much as [b] there was scarse one Vsurer to be found in a whole citie. Neither would hee practise but by secret stipulation, and protestation, that he should not be discouered. If he were but suspected (as in time hee must needs be) his house was called *the Diuels house*; and so euery thing he possessed; *the Diuels field, the Diuels vineyard, the Diuels pit*. Not any of his neighbours would communicate with him, so farre foorth as to fetch fire at his house. The children in the streetes were scared at the sight of him, as if some bulbegger had passed by: running aloofe they would point at him with the finger, that others might know him, as if some strange monster were to bee seene.

[b] *Centur. 12.4. Petrus Cantor.*

When after in processe of time the practise of it grew more common among Christians; yet the learned amongst them would giue most hard censure vpon Vsurers in their writings & preachings. [c] *Fœnerator tristissimos habet exitus huius vitæ: cuius mors detestabilis, cuius finis interitus, cuius damnatio sine fine:* Most wofull is the passage of the Vsurer out of this life; whose death is detestable, whose end is damnation, whose damnation is without end.

[c] *Petrus Blesens. Epist. 131.*

The schoole Diuines of both houses are cleerely against vsurie; vsurie of all sorts. The *Thomists* and *Scotists* haue no quarrell at all for this question.

It were extreame follie to blot paper in the alleaging of particulars,

particulars, there is not any of them but doth absolutely condemne all vsurie as simply vnlawfull. Where obserue how the most acute and subtill wits of those times, who did set themselues to coyne distinctions, and to finde out most exact differences of things; who were able to dart an argument, as the mē of Gibeah did stones, [d] *at an haires breadth*; yet were neuer so quick sighted (as some in these daies be) to spie out that case, wherein vsurie is lawfull.

[d] Iudg.20. 16.

CHAP. V.

Of Councels.

WE haue taken a briefe view of the iudgement of the learned thus farre, and in them of the Church: wherein we find a full consent and harmonie without any iarre at all. But as Almightie God (after his particular reuiew of each daies worke, wherein hee saw it was good) did at the last take a more generall reuiew of the whole frame of heauen and earth, and then saw that it was *very good*: So if wee take a generall view of the Church assembled in Councels, we shall finde that this wee haue said is very true.

Gen.1.31.

What the Church did take vsurie to be, is defined in the Councell of *Agatha* vnder *Symmachus*. *Vsura est vbi amplius requiritur quam datur*: When any thing more was receiued then was deliuered: as the Councell giueth instance in money and corne.

Tom.2. pag.308.

The first Councell of *Nice* decreed against it: *Sanctum & magnum concilium iuste statuit, vt si quis inuentus fuerit post hanc diffinitionem vsuram accipiens, abiciatur à Clero, & alienus à Canone sit.* And Clergie men were neuer degraded but for deadly sinne.

Can.18.

The first Councell of *Carthage* held it filthie lucre.

Can.12.

The *Elibertin* Councell degraded the Clergie, and excommunicated

Can.20.

communicated the Laitie for the ſame.

But the *Lateran* Councell vnder *Alexander* the third was moſt bitter; who when queſtion was made by *Panormitan* an Archbiſhop, whether vſurie might not be diſpenſed withall for the redemption of poore Chriſtians taken captiue by the Saracens; returned this anſwere: *Præſentibus tibi literis duximus reſpondendum: Quod cum vſurarum crimen vtriuſque teſtamenti pagina deteſtatur, ſuper hoc diſpenſationem aliquam non vidimus admittendam:* That ſince both old and new Teſtament hath made vſurie deteſtable, no diſpenſation was to be admitted, no not for the redeeming of Chriſtian captiues. *Can. 1.*

It was decreed in the ſame Councell, *that manifeſt Vſurers ſhould bee depriued of the communion and fellowſhip of Chriſtians in their life, and of Chriſtian buriall after death, till their heires had reſtored their vſurie.* *Ibid Salermitano Epiſcop.*

Alexander explaineth it further, that ſuch reſtitution was to be made to their heires, if they were dead; if heires were not to be found, it went to the poore.

The Councell of *Vienna* vnder *Clement* the 5. condemned all for Heretikes who held vſurie to be lawfull.

By this that briefly hath been ſaid, wee may gather what hath been the ſentence and cenſure of the Church both in her time of puritie, as alſo ſince the time that by long ſtanding ſtill, ſhe had gathered corruption.

It remaineth now that wee examine how farre ſhe hath been purged and reformed concerning this point of vſurie, by our later Diuines.

CHAP. VI.

Of the testimonie of Diuines in reformed Churches.

IF there be any hope for vsurie, now wee are come vnto it. Men care not much for antiquitie, if noueltie will helpe them to so easie and sweete a gaine.

In Psal.15. Let vs begin with *Luther*, and see what hee findeth worthie of reformation in this point. Now wee must remember that in his time there was crept into the Church a cunning kinde of masked vsurie allowed of by the Pope, termed *contractus redemptionis*, a bargaine and sale with couenant of redemption, if the money be paid back againe at such a day. The toleration whereof is by him made a note of Antichrist. *Nec sic tamen adesse Antichristum vllus credit:* He was angrie with the world that men would not beleeue the Pope to be Antichrist, for toleration of a little spice of vsurie. So farre was *Luther* from fauouring of it. But wee haue very wisely of later times left out this note. And surely if wee had no greater matters to lay to the charge of the Pope, then toleration of vsurie, I thinke wee should yet looke for another Antichrist.

Definitiones appellationum. *Melanchthon* proueth expressely, that *what gaine soeuer is demanded for meere loane, is simply forbidden in Leuiticus and Deuteronomie*; that *it is directly repugnant to equalitie and iustice*; that *it doth exhaust men where it is vsed*; that *the cloaking of it vnder the name of honest interest, is a meere sophistication.*

Loco de paupert. cap.6. That worthie writer *Chemnitius* hath written a large treatise in his Common places against vsurie, answering al their arguments and cauillations, shewing what cold comfort it is for a conscience to relie vpon new deuised distinctions, against such expresse & generall prohibitions of Scripture.

Aretius

Aretius vrgeth the same point not only out of *Moses* and the Prophets, but as simply forbidden by Christ, *Lend, looking for nothing againe.* Vnderstanding it not of the principall, but of increase, because of the word δανίζετε: as if it were not a lending but a free beneficence, if the principall were not to be expected. Howsoeuer that place may be subiect to other interpretation; yet by many pregnant proofes besides doth he absolutely condemne vsurie. And albeit *Beza* differ from him in expounding that text; yet euen from that text doth *Beza* condemne vsurie.

Musculus likewise dischargeth his conscience against all vsurie, euen that of Orphants. But with little hope of amendment; for his conclusion is, that *Diuines shall reforme vsurie, when Physitians haue cured the gowte.* Both are vncurable; this as great a sinne, as that a disease, and will one day racke the conscience, as that doth the sinowes, if it be not preuented in time.

What should I speake of [a] *Erasmus*, of [b] *Zuinglius*, of [c] *Camerarius*, of [d] *Oecolampadius*, of a number of others, whose very names would repleniſh a page, all of them simply and directly against vsurie.

This hath been the generall iudgement of the Church, for aboue this fifteene hundred yeeres, without opposition, in this point. Poore sillie Church of Christ, that could neuer finde a lawfull vsurie, before this golden age wherein we liue.

§. 2.

But yet are wee not come to the maine point: for the Heluetian Diuines, and some of Geneua, are supposed to stand close by them, able to answere whatsoeuer can bee said against vsurie. They aske what we say of *Caluin, Bucer, Iunius, Zanchie, Hemingius*, and others of that ranke? Wee say they were as worthie Diuines as euer the Church enioyed, since it enioyed them. But the question is, what these haue said of vsurie.

Let vs take a taste of the principall of these, vpon whom Vsurers doe chiefly relie as vpon their chiefe patron. Ma-

Problem. de vsura. Luk.6.35.

Illud tamẽ certum est, multò magis prohiberi fœneratorias pactiones. Beza in annotat. Luc.6.35. Supplem. in Psal.15.

[a] *De puritate tabern.*
[b] *In 6.Luc.*
[c] *Cateches. in Exod. Præcept.8.*
[d] *In Prophetas minor.*

ster *Caluin* hath said much of it: yea and by their leaues, much against it. Writing vpon the 18. of *Ezechiel: Certè fœnerator semper erit latro: hoc est, qui quæstum faciet ex fœnore illè predo erit:* Certainly (saith *Caluin*) an Vsurer will euer be a theefe: that is, he who will be a gainer by vsurie will be a spoyler. This is an vnkinde salutation. But hee said as he thought: for vpon 15. Psalme he thinketh, *there is scarse an honest man of an Vsurer to be found in the whole world.* Moreouer, he saith where he writes most fauourably: *In repub. bene constituta nemo fœnerator tolerabilis est, sed omnino debet è consortio hominum reijci:* An Vsurer (saith *Caluin*) is not tolerable in a well established Commonweale, but vtterly to bee reiected out of the companie of men. *Certè fœnerare quæstus est illiberalis & indignus homine tam pio quam honesto:* Verely (saith he) to play the Vsurer is an illiberall gaine, and vnworthie either a godly or an honest man. But stay, is this the great patron of vsurie? Surely I would wish all Vsurers to blesse themselues from such patrons. Our next enquirie then will be, what is to be found in these mens writings, which hath giuen such incouragement to the Vsurers of our time.

Epist. de vsura.

Chap. VII.

Of their assertion who haue most fauoured Vsurie.

Had it not been for those banished men, who in time of persecution fled into those parts for succour, this doctrine against vsurie had neuer been called into question. But these exiles bringing stocks of money with them, and wanting skill to imploy it in those strange places; it was pitie they should haue been driuen to haue spent vpon the stocke: therefore

therefore their money was vſed by others who had skill, and ſome allowance made to them for the vſe. This practiſe growing both common and publike, it remained then that the wit of man out of a tender commiſeration towards thoſe who ſuffered exile for Religion, muſt trie what it could doe, if not directlie to defend, yet ſomewhat to qualifie the matter. Thus pitie brought in practiſe, and practiſe muſt ſeeke apologie: *Humanum eſt.* But what apologie hath it found? I finde that theſe Diuines deale with vſurie, as the Apothecarie doth with poyſon, working and tempering it with ſo many cautions and limitations, that in the end they make it no vſurie at all.

Let vs begin with Maſter *Caluin*, who in this point moueth the reſt of the planets; though not as *Luther* was wont to doe before him; who like the *primum mobile* carried all by violent motion: but *Caluin* like the *eight Sphere* had certaine motions of *trepidation*, as in diuers points, ſo in this of vſurie.

Being preſſed by a friend to giue anſwere by letter for a friend; *whether vſurie be ſimplie vnlawfull:* Good Lord, how loath hee is to bee brought to the point, doubting that his friend would catch at ſome word, and for an inch take an ell! *Metuo ne ille verbulo quodam arrepto plus ſibi multo permittat quam vellem.* [a] Wiſhing that *the very name of vſurie had been long ſince baniſhed the world: deſiring nothing more but that he might neuer more be vrged to ſpeake to that point.* And in concluſion, [b] admoniſhing his friend *in any caſe not to relie vpon his iudgement.* What might it be then that this learned man ſaid, when he ſaid the worſt, which he was ſo loath to ſay? [c] *That he was not yet by any teſtimonie of Scripture fully reſolued that all vſurie is altogether condemned.*

And ſuppoſing *Moſes* his law againſt vſurie to be a politike law only, he inferreth that [d] *doubtleſſe the Prophets did ſpeake more hardly of vſurie, becauſe it was forbidden, eſpeciallie among the Ievves.* Whereupon hee concludeth, that

[a] *Optandũ quidẽ eſſet omnes vſuras, ipſumq́, adeo nomen è mũdo iam pridẽ exulaſſe: vt nihil magis exoptem quã vt mihi neceſſitas nõ ſit argumẽtũ iſtud deinceps attingere.*

[b] *Tantũ abeſt vt iſtud a te pro edicto vel axiomate haberi velim, vel in eo plane acquieſcere.*

[c] *Nullo teſtimonio ſcripturæ mihi cõſtat vſuras omnino damnatas eſſe. Nõdũ cõſtat vſurã omnẽ eſſe prohibitam. Epiſt.*

[d] *Certũ eſt durius etiã loquutos eſſe prophetas de vſuris, quia nominatim inter Iudæos ille interdictæ erant.*

e *Nunc igitur cõcludo iudicandũ de vsuris ẽsse non ex particulari aliquo scripturæ loco, sed tantum ex æquitatis regula.*

f *Exactè enim attendere hic oportet. Epist.*

Non probatur si quis vsurariam quasi artem, &c. Epist.

Tantũdem aut plus.

Quid expediat reip.

e *we must not iudge of vsurie by any particular place of Scripture, but only by the rule of equitie.*

Where note by the way how thus much is granted. If the very text of Scripture may be iudge in this case, (as by his leaue me thinkes there is great reason that it should) then is all vsurie vtterly condemned. But if we flee from the text vnto our owne rules of equitie, and iustice, mans wit in these daies can spin out fine subtill cobweb cases, wherein iniquitie shall hardly bee discerned; and then forsooth some kinde of vsurie may perhaps seeme to bee somewhat equal. Yet for all that Master *Caluin* will not venture to defend any case, except these rules following be very f precisely kept.

1. The first, which hee propoundeth by way of preface to his conditions, is, that *a man must make no custome or trade of it: once or twice and vse it not.* As S. *Hierome* saith of play and sport: *Hoc potes facere, sed hoc non est opus tuum:* We must not spend our life in sport; so saith Master *Caluin*, make a liuing of vsurie.

2. The second is, *Ne exigatur ab egente:* It must not be taken of the needie, or such as be vrged to borrow vpon necessitie.

3. The third, that *thou be not so addicted to gaine, but that thou be still readie furnished, and willing to furnish thy poore neighbour in his need, freely.*

4. Fourthly, that *the rule of Christ be euer thy touchstone, to deale no otherwise then thou wouldest be dealt with in the like case.*

5. The fifth condition is, that *the borrowers gaine be so much more, at the least, as thy interest commeth vnto.*

6. The sixt is, that *not only a respect be had to the borrower, but to the good of the Common-weale also, that that receiue no preiudice.* If he cut a few more such shreds, hee will leaue but small lawfull vsurie behinde.

7. The last is worst of al for English Vsurers, to wit, that *we neuer exceed the stint set downe in the Country or Common-weale where we liue.* For our Satute now in force forbiddeth euen

euen the leaſt increaſe aboue the principall; our law approueth none, but condemneth all; it ſuffereth none, but puniſheth all; yet with a difference, by the forfeiture of the intereſt, if it be vnder ten in the hundred: if it be aboue, it is then puniſhable by the forfeiture of principall and all. *Caluin* therefore (if we take in his limitations and lay them together that we miſtake him not) will relieue vs very little, euen where he is moſt fauourable.

13. Elizabeth preamble.

And becauſe [a] *Zanchie*, who is held another great patron of Vſurers, doth vndertake to ſet downe the true meaning of *Caluin*, *Bucer*, and others that wrote before him in fauour of vſurie, let vs heare what vſurie that is, which they meant.

[a] *In epiſt. ad Eph. 48.*

It is lawfull to couenant for lucre, but vnder a condition, either expreſſed in the couenant, or kept in minde: that if it appeare the borrower ſhall gaine little or nothing, thy vſurie ſhall be little or nothing: and further if he loſe of the principall, thou muſt beare part of the loſſe. Hoc enim poſtulat equitas & charitas. This is the vſurie which *Zanchie* defendeth, and this (ſaith he) was the meaning of *Bucer* and the reſt. Yet this is nothing but a meere partnerſhip. If the lender take part of loſſe as well as of gaine, it is no vſurie.

If any exception be to be taken to this aſſertion, it is to thoſe words: *Sed ſub conditione vel expreſſâ vel tacitâ; atq; in mente pij creditoris confirmatâ:* As if the bonds might runne for the beſt ſecuritie of the Creditor, to preuent fraud in the debtor: prouided that hee neither exact the bonds, nor intend to exact them: and where there is neither execution in the act, nor intention in the heart, there ſeemeth to be no poyſon of ſinne, the ſerpent is without a ſting. So that vpon the point *Zanchie* will gine a man leaue to be an Vſurer in parchment, but not in heart: to couenant for his beſt ſecuritie, yet neuer intend to execute his couenant. But this, me thinks, is too too cunning, plaine dealing were the beſt. Verily God would haue vs both to be as we ſeeme, and to ſeeme as we be. For, as for a bad man to bee good in ſhew, is hypocriſie; ſo for a good man to bee bad in appearance,

[b] 1. Theſſ. 5. 22.

[b] appearance, is ſcandalous and offenſiue.

It is great reaſon, I confeſſe, that the debter ſhould truſt the charitie of the creditor, rather then the creditor ſhould relie vpon the fidelitie of the debtor: and bonds in ſome caſes may be lawfully made, which cannot be ſo lawfully exacted; as in forfeitures: exactions be commonly oppreſſions: but this is onely in caſe where cuſtome doth take away ſcandall, which in ſuch a ſtrange deuice as this is cannot be.

Hemingius likewiſe after a floriſh made, as if he meant to defend vſurie againſt all arguments taken from Scripture and reaſon; in the end addeth a prouiſo, which maketh his vſurie no vſurie. *Si cui pecuniam tuam ad vſuram dediſti, ſpoliatur, adeo vt ipſa quoque ſors pereat, aut alioqui nihil lucretur: Chriſtiani pectoris fuerit non ſolum ſortem cum vſura remittere, verum etiam de nouo mutuum dare quo damnum acceptum reſarcire poſſit:* If by calamitie the principall periſh, it is the part of a Chriſtian not only to remit principall and all, but to lend him more, that hee may recouer himſelfe: which chriſtian dutie maketh it no vſurie, ſeeing the lender beareth the perill of his principall againſt the act of God.

§. 2.

All things therefore conſidered and laid together, theſe learned men ſeeme in their writings not ſo much to defend vſurie, as to diſable ſome of the arguments which are vſed againſt it; and therein I confeſſe they may take ſome aduantage, which breedeth a preiudicate opinion of the truth it ſelfe, euen in the beſt learned: for as the worſt enemie is a falſe friend, ſo the greateſt aduerſarie to a good cauſe, is a bad defender; for when learned men take a point in hand to examine, they will haue a ſpeciall eye to the grounds whereupon it is builded; and if they find the foundation or groundcels vnſound, they haue great reaſon to ſuſpect the building: the concluſion is not ſtronger then the premiſſes.

The force of the Philoſophers argument taken from the

the barrennes of money, and the vnnaturall brood of vſurie, being mingled with metaphors, if it be not rightly apprehended, is obſcure and doubtfull. That alſo of *ſpending money in the firſt vſe*, as if vſe and propertie were vnſeparable, ſo much ſtood vpon by ſchoole diuines, is much ſubiect to cauill: for there is ſenſible difference betweene ſpending a loafe of bread, and disburſing a ſumme of money for gaine: for whereas a loafe of bread once eaten hath no ſecond vſe at all, either to him who eat it or any other; money laid out remaineth ſtill, the ſame peeces to bee vſed againe by other, and the ſame ſumme in the equiualent to him that laid it out: and for the ſame indiuiduall peeces, which once deliuered ſhall neuer happilie returne againe to the ſame perſon, there may bee ſome difference in a Philoſophers braine, but not in a Merchants purſe: it is all one in Commerce, whether it bee a *Iames* or an *Elizabeth*, whether it be the ſame ſhilling or as good.

Chemnitius therefore in his treatiſe againſt vſurie, doth aduiſe vs not to lay ſo much weight vpon theſe arguments as vpon thoſe reaſons, which are deriued from Scripture: and albeit theſe alſo haue ſome force in them being vrged to the right purpoſe (as hereafter we ſhall haue occaſion to examine;) yet I doe verely perſwade my ſelfe, that the very conceit of the weakenes of theſe grounds, hath moued many to thinke more fauourably of vſurie it ſelfe then there is iuſt cauſe.

Another motiue which cauſed theſe Diuines ſomewhat to decline the beaten way in this point; was, becauſe in deteſtation of vſurie ſome lawfull contracts alſo haue been condemned by ſome for vſurie, which doe but coaſt vpon it: ſo that the very point of difference betweene vs for the matter it ſelfe, doth onely concerne ſome caſes of greater difficultie, whoſe equitie or iniquitie can hardly bee diſcerned. Caſes of a mixt and midling nature betweene vſurie and partnerſhip, or ſome like lawfull contract; in which caſes, if vpon examination there

be found no iniquitie or inordinate thing, then I hope those cases shall also be found to be without the compasse of that receiued definition before expressed.

If the question then doe fall vpon some particular cases which are doubtfull, whether they be vsurious or not; I make little question but the maine point will be easilie agreed vpon amongst the learned: *That vsurie properly so called is simplie vnlawfull.* I would to God the vnlearned would be as easilie perswaded to make conscience of that wherein Diuines of all churches in all ages doe accord; euen so farre as they doe accord.

Chap. VIII.

Of the testimonie of Philosophers and Historians.

THe testimony of Diuinity is sufficient to proue vsurie a sinne: yet if the light of nature be able also to discouer the same, it will aggrauate the matter much more: there be moats which are not discerned but in the sunneshine, as *S. *Paul* saith, *He had not knowne that concupiscence had been a sinne, except the law had manifested the same:* and suppose vsurie were but as a moate in the eye, yet euen that were troublesome, because the eye is tender, as the conscience of euery Christian ought to be: but if the inhabitants of the regions of darkenes, who neuer saw this sunneshine of reuealed trueth, shall notwithstanding discerne vsurie to be a thing inordinate and vicious; doubtles then it is no moate. Beames may bee discouered by the twilight of nature, and so hath vsurie euer been held euen among the heathen for a grosse enormitie.

[a] *Plato* in his lawes, and his scholler [b] *Aristotle* in his Politicks haue forbidden it as *vnlawfull*, and condemned it as *vnnaturall*. [c] *Cato* maketh it *twice as bad as theft*, and doth equall it with murder.

[d] *Seneca*

* Rom. 7. 7.

[a] *De legib.* 5
[b] *Politic.* 1. & 7.
[c] *De re rustica. Cicero Offic.* 2.

[d] *Seneca* findeth a place for it in the calender, but not in nature. [e] *Plinie* ſaith, *it maketh idlenes it ſelfe fruitfull.* [f] *Plutarch* writeth that the vſurers doe mocke the Philoſophers for that old principle, *ex nihilo nihil fit*; becauſe they can make ſomething of nothing: yet for all that he takes them not for Gods almightie, but tearmes them plaine diuels; ſuch as *Plato* deſcribeth in hell to be fierie executioners to torment damned ſoules. *So theſe curſed vſurers* (ſaith *Plutarch*) *being themſelues turned diuels, haue turned the iudgement hall into hell.* Were hee not a heathen man, I ſhould be out of patience with him for making ſo vnchriſtian a compariſon; and for laying ſuch imputation vpon courts of Iuſtice. But peruſing it againe, I finde how he maketh the Vſurer to coſin the lawe; for that hee writeth into his bill or booke more then he deliuered. As for the purpoſe, lending 100. he putteth in 110. ſo the lawe taking the vſurie to be part of the principall debt, is deceiued; and yet muſt doe iuſtice according to the euidence of the writings in moſt ſtrict manner. *Beſides* (ſaith the ſame author) *they haue ſure bonds and obligations, like the chaines and halters which* Darius *ſent to Athens to binde the priſoners that ſhould then be taken.* Now if this be laid together, the compariſon holdeth (very vnhappily;) for vnto a fooliſh man impoueriſhed by vſurie, the iudgement place is a very hell; the law is a torment, the Vſurers obligations be euerlaſting chaines, whereout the poore ſoule ſhall neuer come till he haue paid the vttermoſt farthing. The Philoſopher therefore in all his booke neuer directeth his ſpeech to the Vſurer, but leaueth him as a deſperate perſon and incorrigible; aduiſing others to beware of him, as of *ſome foule euill: to digge vnto the Potters earth*, that is, vſe all meanes of his owne, rather then borrow of him: to auoid that *quagmire* (as he tearmeth him;) for if a man once begin to ſinke into his bookes, he will ſucke him vp like a gulfe; if he get out one legge, the other ſinkes: *For a borrower* (quoth he) *is like a horſe that hath once taken the bit, he may often change his rider, but one or other Creditor is ſtill vpon his backe.* It is

[d] *De Benef.* 7.
[e] *Hiſtor. Nat. l.* 33. 3
[f] Ἐοικε τὸ μὲ δεῖν δανείζειν.
Ibidem.
Ibidem.

wonderfull that learned men of all ages ſhould inueigh ſo bitterly againſt vſurie. It ſeemeth it is of a ſtrange deuouring nature, as the [a] Poet termeth it, and brings men to great extremities, when poore [b] *Strepſiades* could deuiſe no better ſhift then *the hiring of a witch to pull the Moone out of heauen*, that the Vſurers moneth might neuer come about. For, [c] Vſurie (ſaith the old prouerbe) is ſwifter then *Heraclitus*, time ſeemeth to runne ſo faſt.

§. 2.

If vſurie then can finde no footing, neither in Diuinitie nor nature; whereupon ſhall it ſtand? Diuines would excõmunicate it out of the Church. Philoſophers would proue it a monſter in nature. Yet for all that it hath taken deepe roote in Common-wealths, both Heathen and Chriſtian. [d] *Mirarer in vrbibus politicis huic flagitio locum eſſe, niſi eſſet & reliquis, &c.* I would wonder (ſaith *Petrarch*) there ſhould be any place in politike bodies for this grieuous ſin, but that there is place for the reſt. *Whereas* (ſaith he) *in former times Vſurers were ſeparated from the companie of men; none came neere them, but ſuch as neceſſitie droue vnto them; paſſengers would auoid them as contagious perſons: now they conuerſe with Princes, and attaine to places of dignitie.* How pernicious Vſurers be to a Common-weale, we haue heard from the penne of the beſt friend that Vſurers haue. For Maſter *Caluin* ſaith, [e] *He is by no meanes to be tolerated in a well gouerned Common-weale.* Diuines profeſſe little skill in State matters: but ſuch as doe profeſſe, haue written that [f] *vſurie is an old venemous ſore.* And [g] other of later times inueighing againſt it, as the *Canker*, or *gangrene of the Common-wealth*, haue condemned the *Heluetians* for tolerating fiue in the hundred. *Tutius eſt vſurarum non modò radices, ſed & fibras omnes amputare.* It is like *twichgraſſe*, if the leaſt thred of a roote be left, it groweth and ſpreadeth without meaſure. The ancient [h] Romanes were wiſe, who ſeeing the miſchiefe of vſurie, would tolerate by their twelue tables but one in the hundred; and whoſoeuer exceeded that, ſhould be puniſhed [i] *foure fold*, as if he were a double theef: for

[a] *Hinc vſura vorax auidumq; in tempore ſxnus.* *Lucan.1.*

[b] *Ariſtophanes de nubibus.*

[c] Θαττον ὁ τὸχος ἢ ἡρακλείτου ῥεῦμα τρέχει.

[d] Dialog. 56

[e] *Epiſt. de vſura.*

[f] *Cornel. Tacit. annal. lib. 5.*

[g] *Bodin. de rep. lib. 5. cap. 11.*

[h] *Cornel. Tacit. l. 6.*

[i] *Cato de re ruſt. cap. 1.*

for theft by that law was punished but two fold. After this it * was stinted at tenne shillings in the hundred pounds. I hope this could not bite much. Yet after by *L. Genutius* it was quite taken away: and breaking out againe, it was againe suppressed by *Tiberius Cæsar*, to his owne great cost, who relieued the borrowers with a banke of fiue hundred thousand pounds, of purpose to roote out Vsurers. Againe it sprouted vp, and againe was it straitly forbidden vpon the paine of the forfeiture of all goods, moueable and immoueable, to be confiscate. What should I say more out of the experience that States haue had of this mischiefe? k *Ludouicus* banished Vsurers in his time out of *France*. Yea and l *Mahomet* himselfe hath condemned it among the Turks. So carefull haue gouernours euer been amongst Heathen and Barbarians to suppresse this monster. For what Countrie hath vsurie been suffered in, which in time hath not rued the same? m The *Indians* and *Germanes* both were counted most happie before vsury was knowne vnto them. But what tumults it after raised in *Germanie*, witnesse their owne n writers. *Sicilie* was in great bondage by vsurie, till *Cato* set it at libertie. *Sparta* in no lesse calamitie, till *Lycurgus* redeemed it. *Asia* ouerwhelmed with it, till *Lucullus* redressed it. All *Egypt* so plagued with it, that they were glad to make a law, that *none should borrow vnlesse he laid his fathers corps to pawne*. *Athens* infected with it, till *Agis* his bonefire (made of Vsurers bookes) had purged that Citie.

Those wise gouernours of estate when they had to deale with vsurie, methinkes they had a wolfe by the eare, which they could neither hold fast, nor let goe with safetie: the more they laboured to suppresse or stint Vsurers, the more they brake out vpon them againe; set them once at libertie, they deuoured the Common-weale. If England were as well cleered of these, as it is of wolues, it were so much the happier.

* *Bodin. l. 5 cap. 11.*

k *Centur. 15 cap. 7.*

l *Cent. 7. cap. 7.*

m *Ælian. lib. 4. cap. 1*

n *Areij Problem. de vsura.*

Chap. IX.

Of the three lawes, Canon, Ciuill, Common.

THat which the ſage gouernours of State out of their wiſedome and experience haue diſtaſted as hurtfull to the ſocieties of men, both Chriſtian and Heatheniſh; hath been alſo forbidden and reſtrained by ſuch lawes as be not onely compulſiue to binde ſucceeding ages, but directiue alſo to informe vs of the enormitie of this practiſe.

1. The [a] *Canon* Lawe hath defined vſurie to the ſame purpoſe, as is before expreſſed. [b] It hath forbidden it moſt preciſely: [c] it hath puniſhed it moſt ſeuerely, with the note of infamie, with excommunication both leſſer and greater, with the depriuation of chriſtian buriall, till actuall reſtitution were made by the executors. [d] Their Willes and Teſtaments were nullities in lawe; with diuers other penalties to terrifie men from vſurie, as from ſome horrible vice.

2. For the Ciuill lawe it cannot bee denied but it did ſometime tolerate ſome kinde of vſurie; but neuer [e] allowed of it. For [f] *Iuſtinian* in the preface wiſheth *that men would follow the doctrine of S.* Peter; that is, of the Church, which what it was then for this point, is manifeſt.

To tolerate it in ſome ſort it was forced. *Sæpe enim permittitur quod non poteſt corrigi aut coerceri iure ciuili:* It is often permitted which cannot bee corrected or reſtrained by the Ciuill lawe, (ſaith [g] *Caluin*, a *Diuine* and *Ciuilian* both:) therefore we muſt make no arguments of defence from the toleration of Ciuill law, for ſo we might defend the Stewes and much wickednesſe: [h] *Impune permittuntur meretricia vt adulteryis obuietur, vſuræ vt caueantur furta.* Whether the ciuill toleration of vſurie were lawfull, is no part of our preſent queſtion; but that the lawfulnes of vſurie cannot be proued from any toleration of lawe it is euident:

[a] *Decret. part. 2. Cauſa 14. q. 3. c. 4.*
[b] *Ibid. q. 4. c. 2. Cauſ. 4. 6. 7.*
[c] *Inſtitut. iuris canon.*
[d] *L. 4. Tit. 7 de vſur. Siluest. de vſura 9.*
[e] *Bar. ſuper l. cunctos populos ſumma trinitatis. initio.*
[f] *Codic. Iuſtinian.*
[g] *Epiſt. de vſura.*
[h] *Dominicus à Soto de iuſtit. & iure. l. 1. q. 6. art. 2.*

dent: becauſe as S. *Auguſtine* ſaith: *Lex humana multa concedit, ac impunita relinquit, quæ per diuinam prouidentiam vindicantur:* Many things muſt bee paſſed ouer by mans law, puniſhable by Gods hand. The law of the Lord is perfect in this, that it forbids all faults, but mans lawe muſt be proportionable to mans frailtie, and giue way to many corruptions; in ſome ages more, in ſome leſſe. If Ciuill lawes be ouer preciſe without reſpect to the common inclinations of the people, they be as *new Wine put into old veſſels, the veſſels burſt, the wine is loſt*; ſuch lawes ſhall neuer bee kept. *Lib. 2. de Liber. arbitrio.*

Notwithſtanding this, wee may ſay (by the way) for that moderation which the Ciuill law vſed in her toleration, that as the moſt ancient and innocent law did tolerate the leaſt, *one in the hundred, halfe a one in the hundred*, and ſometimes none at all: So that *fœnus nauticum*, the moſt that euer was allowed, to wit, *twelue in the hundred*, was no vſurie at all, becauſe the lender did beare the perill of the principall.

3. The Common law of this land intermedleth no further with vſurie then is prouided for, and ſo ordained by ſome ſpeciall ſtatute; but referred it wholly to the cenſure of the Eccleſiaſticall court, wherein a prohibition had no place: [i] *Si prælati imponant pœnitentiam pro peccato, & nihil aliud intentant, quod cedat in læſionem Regiæ dignitatis.*

[i] *Regiſt. conſultat. fol. 49.*

But if the Vſurer died in this ſin, ſo that the power of the Church could extend no further, becauſe he died out of the Church: yet then euen the Common law tooke vengeance vpon him in his goods and poſteritie. [k] *Omnes res mobiles & omnia catalla quæ fuerunt vſurarij mortui, ad vſus domini regis capientur, penes quemcunq; inueniantur res illæ. Hæres quoque ipſius hac eadem de cauſa exhæredatur ſecundum ius regni, & ad dominum vel dominos reuertetur hæreditas:* His goods were all forfeited to the King, and his lands returned to the Lords of the fee. Which was not meant of any immoderate vſurie aboue tenne in the hundred. For the ſame author explaineth himſelfe: *Si quis aliquid tale crediderit, ſi plus*

[k] *Randulphus de Glanduilla, Hen. 2 lib. 7. ca. 16.*

plus eo recepit vsuram facit; & si in tali crimine obierit, damnabitur tanquam vsurarius per legem terræ: If any shall lend any such thing, and shall receiue againe more then that hee lent, he committeth vsurie: and if he die in that crime, hee shall be condemned as an Vsurer by the law of the land.

[l] This agreeth word for word with the ancient law of *Scotland*, set downe in a booke called *Regiam Maiestatem.*

[l] As appeareth by the starre in *Glanuill.* according to the Printer his direction 1604.

So detestable was an Vsurer in the eye of Common law, before any thing was prouided by statute. Which law, if it be so ancient, as we are taught by the [m] reuerend Iudges of the same; if so well grounded vpon the principles of reason and equitie together, with the best customes of this Countrie; then the ancient inhabitants of this land, led only by the light of the gloworme, shal condemne vs for this point, who reside in the sunneshine of the Gospell.

[m] *Sir Edw. Cooke.*

[n] After, of ancient, it was enacted by the statute of *Iudaisme*, forbidding all vsurie, that *if a Iew lent in that kinde to a Christian, he should haue no remedie for his principall debt: yet the Christian might recouer his pawne.*

[n] *Edw* 1.

[o] In the 3. of *Henry* 7. all cloaked vsurie was also forbidden, vnder the termes of [p] *Damnable bargaines grounded in vsurie, coloured by the name of new cheuisans, contrarie to the law of naturall iustice, to the common hurt of this land, and to the great dishonour of Almightie God.* Which statute is more fully explained by [q] another made in *anno* 11. *Hen.* 7. that the said law did extend first to all lending for a time, and taking for the loane any thing more, besides or aboue the money lent, by way of contract or couenant made at the time of the same loane: sauing lawfull penalties for the paiment of the principall. 2. To the selling of goods to any person in necessitie, and buying the same againe within three moneths for a lesse summe then they were sold for. 3. To the lending of money vpon lands or bonds for the paiment thereof, with couenant to receiue the reuenues of the borrowers land, vnder paine of the forfeiture of the money, goods or merchandise so lent, or sold.

[o] *Ca.* 6.
[p] *Ca.* 5.
[q] *Ca.* 8.

After which, in 37. of *Henry* 8, all former statutes concerning

cerning vſurie being repealed, the three points laſt before mentioned remained in force, in caſe the vſurie did exceed tenne in the hundred; thereby not allowing any vſurie vnder tenne, but leauing it only vnpuniſhed.

This law ſeeming ouer looſe, was repealed in 5. and 6. of *Edward* 6. wherein it was enacted, *that all vſurie, increaſe, lucre, gaine, intereſt for loane, forbearing, or giuing daies of any ſumme of money, had, receiued, or hoped for, aboue the ſumme lent, giuen, ſet ouer, deliuered, or forborne, ſhould be puniſhed not only with the forfeiture of the principall and all, but with impriſonment and ranſome at the Kings will and pleaſure.* Ca. 20.

This law on the other ſide ſeeming too ſtrict for an humane law, was repealed in 13. *Elizabeth*, and the former ſtatute of *Henrie* 8. reuiued, but with additions of the reſtraint of vſurie. Firſt, *that all bonds, contracts and aſſurances for any intending or doing any thing againſt the tenour of the ſaid ſtatute thus reuiued, ſhould be vtterly void.* Secondly, *that all brokers, ſolicitors and driuers of ſuch bargaines or contracts, ſhall incurre the danger of a premunire.* Thirdly, *that the ſame ſtatute reuiued, ſhall be moſt largely and ſeuerely vrged for the ſuppreſſing of vſurie againſt the perſons offending.* Fourthly, *that the Eccleſiaſticall cenſure ſhall alſo proceed againſt ſuch offenders aboue tenne in the hundred.* Fiftly, *Becauſe all vſurie is forbidden by Gods law as a deteſtable ſinne, that euery Vſurer, though he doe not exceed tenne in the hundred, ſhall forfeit ſo much as ſhall be reſerued by way of vſurie aboue the principall, for any money ſo to be lent or forborne.* 1 2 3 4 5

This laſt is the ſtatute which *England* now ſtandeth ſubiect vnto, and which wee are bound to obey by the rule of the ſuppoſed patron of vſurie: *Ne excedatur modus conſtitutus in quauis regione.* But the law of our Countrie doth not tolerate any at al, and therefore by his rule it is not lawfull for vs to take any vſurie at all. *Caluin. Epiſt. de vſura.*

Thus much for that inartificiall argument which is taken from the teſtimonie of authoritie. An argument, I confeſſe, very inartificiall, as I haue made it: yet is the authoritie ſo ſufficient as I would deſire. Authoritie of all ſorts diuine

and humane; Ecclesiasticall and prophane; naturall and morall; of all ages, old, new, midling; of all Churches, primitiue, superstitious, reformed; of all Common-weales, Iewish, Christian, Heathenish; of all lawes, forraine, and domesticall.

It remaineth now that we take a view and examination of this point with our own eies. And though I be very hartlesse and timorous of my selfe; yet being thus well backed, me thinkes I am much emboldened to encounter with him, who is most forward to confront these authorities.

First therefore I will put in order such reasons as I haue learned for the discouerie of this sinne, by which it shall the better appeare what substance and validitie there is in these colours and apparitions which are brought in defence of it: So that in conclusion men may the more easilie resolue their owne consciences for this point, and accordingly amend their liues as God shall moue their hearts.

CHAP. X.

The first argument from the nature of the question.

IF there be any (as God knoweth there are too many) who cãnot resolue their consciences against vsurie, as against a thing vnlawfull: yet I hope there is none of so vnyeelding a forehead, but will giue thus much to the authoritie aforesaid; as to thinke the lawfulnes of vsurie very questionable and doubtfull at the least. If any shall be so singularly conceited of himselfe, as to make no question after all these, but that vsurie is lawful; I will leaue him in the number of those wise men (whereof [a] *Salomon* speaketh) *who are wiser then seuen men that can giue a reason.* Then men? yea then Churches and Common-weales.

[a] Prou. 26. 16.

And

And to the reſt who doe make doubt and queſtion of it, I ſay it is vnlawfull, becauſe it is doubtfull: for the heathen mans principle, [b] *Quod dubitas ne feceris*, is likewiſe deliuered for a rule by the [c] Apoſtle, that *Whatſoeuer is not of faith is ſinne.* There be three opinions then concerning vſurie: ſome are reſolued that it is vnlawfull; and to them the practiſe of it is a ſinne, a knowne ſinne, a ſin againſt their own conſciences directly. Secondly, ſome are not reſolued at all, but hang in ſuſpence, and to them it is a ſinne, if it were in no other reſpect, yet onely becauſe they doubt of it: for that which [d] S. *Paul* ſpeaketh of eating, is likewiſe appliable to all other actions: *He that doubteth is condemned if he eate, becauſe he eateth not of faith.* So he that doubteth of any morall action whatſoeuer, if hee doe it, is condemned, becauſe hee doth it not of faith: for *whatſoeuer is not of faith is ſinne.* If thou doubt therefore, keepe [e] S. *Auguſtine* his rule: *Tene certum, dimitte incertum:* thou art moſt ſure it is no ſinne to abſtaine from vſurie: then keepe that reſolution firme, and thou ſhalt be ſafe: though perhaps thou thinke, if thou abſtaine thou ſhalt haue the lighter purſe, yet withall thou ſhalt haue the lighter heart, when the ſorrowes of death ſhall make thee heauie. Though in myſteries of Diuinitie, the narroweſt ſenſe is the ſafeſt: yet in matters of moralitie the largeſt ſenſe is the beſt for ſecuritie; in that it keepeth vs fartheſt off from conſenting vnto ſinne.

[b] *Cicer. offic.*
[c] Rom 14. 23.
[d] Rom. 14. 23.
[e] *In Rom.* 14.

3. If there be a third ſort who be cleerely reſolued that vſurie may bee practiſed with a ſafe conſcience, ſuch are condemned of other ſinnes beſides vſurie; but eſpecially of pride and ſingularitie. Of ſuch a one therefore I demand: Firſt, doeſt thou ſee with thine owne eyes, or with other mens? If thou be not able thy ſelfe to examine and reſolue, then maiſt thou reſolue for this point as the Church of Chriſt hath taught thee. Neither doe I herein coaſt vpon any controuerſie of *beleeuing as the Church beleeueth:* for this that we haue in hand is no principle of faith; no myſterie of ſaluation to be apprehended in the ſimplicitie of beliefe;

but a point of moralitie belonging to the ſecond table, and ſo determinable in reaſon by the rules of equitie and charitie, if the Scripture herein had been ſilent. If thou be therefore vnlearned, or not ſo learned as to define ſuch a matter by the rules of reaſon; then reaſon and religion both will teach thee to ſubmit thy iudgement to that Church and Common-wealth, whereof by Gods prouidence thou art made a member. But theſe reſolute ſpirits will be eaſily intreated to take the matter into their owne hands without dependance vpon others. I demand then in the next place, haſt thou ſtudied the point, examined the branches of it exactly? art thou reſolued that though the letter of the text be againſt thee, yet the ſenſe is with thee? haſt thou taken a view of all arguments and reaſons brought againſt Vſurie? art thou ſo Eagle-ſighted as to looke through ſuch a cloud of witneſſes; and art thou able to diſpell them, and to ſettle thine owne aſſertion vpon infallible grounds? art thou ſure of all this, or doſt thou but thinke ſo? If thou but think ſo; then thinke thou maieſt bee deceiued. If thou bee ſure that thou haſt waighed all thoſe things in the balance of iudgement; then next waigh thy ſelfe and thy iudgement: lay that vpon one ſcoale by it ſelfe, and if thou haſt any conſorts and fellowes in this thy reſolution (as for mine owne part I know none) if thou haſt any, hang them all vpon the ſame ſcoale with thee. Put ouer againſt thee in the other ſcoale al the authorities of men, fathers and brethren; who haue not touched onely, but taken in hand and ſifted this point. Adde vnto theſe the decrees of Councels, the edicts of Princes, the lawes and ſtatutes of Common-weales: lay on, if you liſt, the cenſure of Philoſophers in their morals and politickes, the obſeruations of Hiſtoriographers, the ſayes of wiſe and ſage Senators; and the woefull experiments of many kingdomes and nations in former ages. All which if they ſhould be collected and expreſſed to the full, I ſuppoſe a volume would not containe that which might iuſtly be written againſt Vſurie. Now if thou ſhalt thinke thy iudgement to bee of ſuch waight, that all

theſe

these together bee not able to cast the scoale against thee, yet I hope they will so much moue thee, as to bring the balance to a suspence, that thou wilt thinke Vsurie very questionable at the least; and if it bee questionable, then is it vnlawfull to bee done. But if all these will not so moue thy vnderstanding as to make it questionable; then I will say no more, and I can say no lesse, but such a one thinketh that he knoweth somwhat. And then [a] Saint *Paul* maketh vp the rest, that such a one *knoweth nothing yet as hee ought to know it.*

[a] 1. Cor. 8.2.

To him therefore who knoweth Vsurie to be a sin, it is a sin, because he knoweth it. To him that doubteth, it is likewise a sin, because he doubteth. And to the rest it is a sin of ignorance, but of affected ignorance: whose eyes are blinded, either with pride, because they would be singuler; or with lucre and gaine, because they would not disturbe their consciences by examining or discouering that sin, wherein they haue so sweetly slept, and do still repose themselues. But such ignorance doth neither excuse nor extenuate the fault, but rather aggrauate the same, because it is wilfull.

Chap. XI.

The second argument from scandall.

HOwsoeuer there be some who make a question whether Vsurie bee lawfull or not: and some there may be, who make little question but that it is in some sort lawfull: yet there is none but must confesse that it is and euer hath beene of ill report, and therefore vnlawfull; vnlawfull for any Christian to practise. It was Saint [b] *Paul* his last farwell in his Epistle to the Philippians; after hee had blessed them, with *the peace of God which passeth all vnderstanding shall keepe your hearts and minds in Christ Iesus*: hee addeth, *Moreouer brethren, whatsoeuer things are true, whatsoeuer things are honest, whatsoeuer things are iust, whatsoeuer*

[b] *Cap.* 4.7.

things are pure, whatſoeuer things pertaine to charitie, whatſoeuer things are of good report; if there be any vertue, if there be any praiſe, thinke on theſe things.

I muſt proue, before I haue done, that Vſurie is neither *honeſt* nor *iuſt*, nor *pure*, nor *charitable*, nor any of theſe: but it ſufficeth for this preſent argument that it is not *of good report*; and therefore to be auoided of Chriſtians. For the Goſpell of Chriſt doth not onely forbid things ſimply vnlawfull, but all colour of euill: and as the Apoſtle concludeth his patheticall exhortations to the Philippians, with *things of good report*, ſo doth he ſhut vp that bundle of diuine precepts to the Theſſalonians, with *abſtaine from all appearance of euill*, and then commeth the bleſſing: *Now the very God of peace ſanctifie you throughout.* 1. Theſ. 5. 22.

I hope I ſhall not need to ſpend time in ſhewing what appearance of euill there is in that, wherein there is ſo little ſhew of good. What is of ill report, but that which the beſt ſpeake ill of? and what one tranſgreſſion is there committed either in Church or Common-weale, which the beſt writers, Chriſtian & profane, haue inueighed more bitterly againſt then this of vſurie? Admit then it were not ſimplie euill, yet it hath great appearance of euill: it is of ill report, by that meanes very ſcandalous, and therefore vnlawfull. That is a true ſcandall indeed, not taken only, but giuen alſo, which is *a prouocation vnto ſinne*: as *Dauids* murder and adulterie was not onely a ſinne againſt God (and in that reſpect vpon his true repentance pardoned in *Nathans* abſolution) but alſo a ſcandall, becauſe hee *prouoked the enemies of God to blaſpheme*. So that beſide the ſinnes of *Dauid* as they were tranſgreſſions of the 6. and 7. Commandements, that ſcandall alſo annexed vnto them being nothing elſe, but *a prouocation of the enemie to blaſpheme*, was a ſinne of it ſelfe and puniſhed by God. [a] *The Lord alſo hath put away thy ſinne, howbeit becauſe by this deed thou haſt cauſed the enemies of the Lord to blaſpheme, the child that is borne vnto thee ſhall ſurely die.* That is the great ſcandall indeed which the holy Ghoſt doth ſo often inculcate, that wee might

[a] 2. Sam. 12. 13.

might take heed of it, [b] *That the name of God and Goſpell of Chriſt be not euill ſpoken of among Gentiles.* Doth not Vſurie cauſe the enemies of God to blaſpheme, and the Goſpell of Chriſt to be euill ſpoken of; when as prophane perſons and ſuch as liue like Gentiles amongſt vs ſhall obſerue, that Chriſtians who can call *Chriſt, Lord*; that zealous Chriſtians, who can ſay vnto him, *Lord, Lord*, doe liue in and by that ſinne which was wont to make both life and death ſo odious? Are not our aduerſaries of the Church of Rome as ready to obiect vſurie to vs, as wee haue beene to vpbraid them with ſingle fornication? when they ſee it not onely practiſed but patronized amongſt vs? And yet they may hold their peace for that; ſeeing their owne Colledges and Churches long ſince in the [c] borders of the *Borbons*, and other places of France, haue taken fiue in the hundred: which was by them commonly held lawfull, not by common right, but in ſpeciall fauour to religion. For their Clergie is ſo holy, that the practiſe of that is in Churchmen hallowed and ſanctified, which in the people is moſt deteſtable. Let them goe: but let vs not cauſe them to blaſpheme by ſuch ſcandalous practiſes.

[d] The Heathen Philoſopher obſeruing the intemperance of the Iewes in their feaſtings, made a table queſtion, *Who was the God of the Iewes?* they reſolued vpon *Bacchus*. If his pen ſhould haue light vpon Chriſtian vſurers in theſe daies, to enquire of our God, I am afraid they would reſolue vpon *Plutus* at the leaſt, who was wont to come limping home: but Vſurie hath cured him very ſtrangely of that infirmitie, he comes now as ſwiftly as time it ſelfe.

What is ſcandalous then if this bee not? prouoking all ſorts of people, ſuperſtitious and prophane, to ſpeake euill of Chriſtians, of reformed Chriſtians, who profeſſe the ſincerity of the Goſpell of Chriſt.

The Prophet *Ieremie* lamenting his wofull caſe that hee was curſed of the people without a cauſe, bringeth this for his apologie, that he neuer lent nor borrowed vpon Vſurie, as our books haue it. [a] *I haue neither lent on vſurie, nor men haue*

b Rom. 2. 24. Cap. 14. 16 1. Tim. 6. 4. Tit. 2. 5. 2. Pet. 2. 2.

c *Molinæus contr. Vſurar. q. 74. numer. 584.*

d *Plutarch ſympoſ. lib. 4. q. 5.*

a Ier. 15. 10.

haue lent to me on Vſurie; and yet the people curſe me. Inſinuating, that if he had been any waies touched either in *lending* or *borrowing*, as acceſſarie to this ſinne; he would not haue complained though the people had curſed him. Curſed is that offence which bringeth the curſe of the people vpon a man. Neither *Ieremie* nor any of the Saints of God we can reade of, that euer was tainted with Vſurie. Admit then that the wit of man could picke a caſe ſo cleane in Vſurie, as to make it lawfull. What then? it is ſcandalous, it is of ill report: he therefore who ſhall offend his brethren the people of God, who ſhal cauſe the enemy to blaſpheme, and giue prophane dogges occaſion to barke at Chriſtians, by any ſuch vnchriſtian practiſe, it were better for him that a milſtone were hanged about his necke, and he caſt into the bottome of the ſea.

Chap. XII.

The third argument from our ſtatute law.

LEt vs looke home into our owne Countrie, and heere we ſhall find a law expreſly forbidding all kind of Vſurie bee it neuer ſo little, and withall puniſhing the ſame, if a man bee lawfully conuicted. I demand then in the next place, if we bee not bound in conſcience to obey this law? I ſay not in court of Iuſtice only before man, but in conſcience before God.

b Rom. 13.5. The b Apoſtle maketh a direct anſwere for me: *Wherefore we muſt be ſubiect, not becauſe of wrath onely, but for conſcience ſake.* A conſcience ſo bound, as nothing can ſet it at liberty in this caſe except only the law it ſelfe be vnlawfull; and then c *we muſt obey God rather then men.* Therfore when this kind of argument is vrged for obedience, men haue vſed to quarrell with the law; as if that were not agreeable to Gods law: But heere is no place for any ſuch cauill; for it is the ſame law which God himſelfe made for his owne people,

c Act. 5.29.

people, witneſſe euen thoſe who haue moſt defended vſurie. *Molinæus.*

I haue heard many, and ſome of no meane vnderſtanding, who doe earneſtly endeuour to let looſe their conſciences, and teach vs ſo to doe, by making a diſiunctiue interpretation of a penall ſtatute. As if the meaning of the law were but this; *Either abſtaine, or pay thus much, if thou be conuicted.* Making the penaltie a branch of the law: as if either of the branches being obſerued, the law were fullie kept, and no offence made either to God or man. Which becauſe it is a point much ſtood vpon, and as yet (for ought that I know) vnhandled, giue me leaue, by your patience, a little to looke into it. In the examining whereof I ſhall not much ſtep out of my way. For albeit the interpretation of a ſtatute doth belong vnto another profeſſion; yet this particular point coaſteth vpon Diuinitie, and pitcheth directly vpon the common grounds of reaſon.

In euery penall ſtatute there be two things to be conſidered; the *law* and the *penaltie*. Which two, howſoeuer they be combined in the ſtatute, yet there muſt be a diſtinct conſideration of each.

1. Firſt, euery good and iuſt law in his owne nature, as it is a law, hath a binding power; by which it is not directiue only, as by way of aduertiſement, but compulſiue, as proceeding from authoritie.

2. Secondly, this binding power of the law doth not onely proceed from the nature of the thing therein commanded or forbidden, but from the powerfull will of the Commander or lawgiuer. For if a common perſon ſhall admoniſh me, as a brother, of ſome thing which is hurtfull or preiudiciall, I am bound to follow his aduice, from the nature of the thing it ſelfe, becauſe it is hurtfull; elſe I ſhould offend. But if the authoritie of parents, Magiſtrates, or law, ſhall moreouer forbid the ſame, I haue a ſecond bond thereby laid vpon me; which if I ſhall breake, then vnto my former offence I ſhall adde the ſinne of diſobedience. Which as it is a diſtinct ſinne from the former, ſo be theſe

two distinct obligations; the one deriued from the nature of the thing prohibited; the other from the law or persons in authoritie.

3. Admit then in the third place that the thing prohibited by the premised authoritie, haue no binding power in it own nature, without a law published against it; but be a thing arbitrarie, and in my power to doe or leaue vndone; then am I freed indeed from the former bond in respect of the thing it selfe: notwithstanding I stand obliged to the authoritie of the law for the faithful obseruing of the same; except only in case the thing thereby forbidden be of such a nature, as doth dissolue this bond, by some opposition to a superiour law. For those matters therefore which bee not determined by any law of God, there is giuen to the wise sages and gouernours of Common-weales, a iudiciall power, not onely to discerne what is for the common good, but also to enact, impose, and establish lawes and statutes, vnto which we are bound both to subscribe in iudgement, and in practise to obey. Albeit such a law cannot by euident consequence bee necessarily deriued from any law of God or reason, yet if it doe not crosse or oppose the same, it is sufficient. As lawes which are apparantly friuolous, containing matter of little moment, need not much to trouble our consciences, because there appeareth some opposition betweene them and the law of reason, which teacheth vs that a law is a matter of maiestie, and serious command; and therefore the subiect of it ought to be answerably a matter of waight and moment, as the matter of vsurie is. Be it therfore proposed that those wholesome lawes and statutes which carrie no shew of opposition to a superiour law, though they command or forbid such things as before were held indifferent, yet euen as they are lawes doe they binde the conscience by vertue of Gods law.

4. Which lawes thus enacted, by humane authoritie, be in force, not onely before the Iudge to the vndergoing of temporall punishment; but also to binde the conscience before God: not by any power in themselues, for they be but

but humane; but, as ſecondarie cauſes doe worke in the vertue of the firſt cauſe, ſo doe theſe lawes worke vpon the conſcience, by vertue of his law who alone hath the ſoueraigne authoritie ouer the inward man. He hath commanded vs to obey, *not becauſe of wrath only*; not for penalties, diſpleaſure, or outward reſpect only, *but for conſcience ſake.* Rom.13.5. Thus much, I hope, we ſhall be able to proue. Whereupon it muſt of neceſſitie follow, that admit euery act of vſurie were not ſimply in it ſelfe vnlawfull; yet if it be ſimply forbidden by a law publiſhed, as a thing perilous among Chriſtians, or preiudiciall to the common good; then are wee bound in conſcience to auoid euery vſurious act as *malum prohibitum*, forbidden by a good and wholſome law. Which law if we ſhall tranſgreſſe, we doe ſinne againſt God.

Let this therefore in the firſt place be propounded, that ſuch humane lawes as be not oppoſite vnto the law of God or nature, haue a binding power: howbeit not alwaies from the nature of the thing it ſelfe thereby commanded, or forbidden; but euen as they be lawes proceeding from that authoritie which is the ordinance of God.

Which that it may the better appeare, it is obſeruable, that almightie God did firſt aſſume vnto himſelfe that libertie and power of binding mens conſciences meerely by his commanding authoritie, as hee was a law-giuer. Next that hee did impart the ſame (though not in the ſame degree) to his vicegerents vpon earth.

It was his diuine pleaſure to manifeſt this power euen in the [a] firſt law that euer was giuen: for what hurt could there haue been in eating of the forbidden fruit, if it had not bin forbidden? why might not that tree haue been touched and taſted as well as the reſt, if there had not been an edict againſt it? [b] *Abraham* likewiſe after the fall was commanded to offer his ſonne *Iſaac*: which commandement, if it had not bin giuen, *Abraham* could neuer haue found any motiue for ſuch a ſacrifice: but much might he haue found againſt it, in that law of nature which was written in his heart.

[a] Gen.2. 17.

[b] Gen.22. 2.

This degree of power God as the supreme lawgiuer hath reserued wholly vnto himselfe, so as it shall not bee lawfull for any created power whatsoeuer, to enact a law against the law of nature; or to dispense with a diuine statute. Yet notwithstanding in case it carrie no opposition to a superiour law, God hath giuen a binding power euen to the commandement of man, though not against, yet without any obligatorie vertue in the thing commanded: he adiudging in his diuine wisedome that this was the best for the establishing of authoritie amongst men, for the keeping of men in obedience, and euery way for the publique good. For if men should not obey the lawes and commands of their superiours, before such time as they saw something in the thing commanded, which should exact the same at their hands, verely the [c] Centurion did not well in approuing his souldiers for *comming, going, and doing this*, at a word: yea masters had better a great deale goe about their businesse themselues, then send many seruants: and if this were our case, all gouernment and humane affaires would be soone at a stand.

[c] Mat. 8. 9.

Wherefore God doth not only allow those lawes which doe enact that which is alr[illegible]e enacted by his law; or which may bee thence deriu[illegible]by necessarie consequence, as a conclusion out of the premisses: but all those determinations and particular constitutions which do[illegible] not crosse the law of God or nature, are in his e[illegible]mate accounted iust, and to bee obeyed. For as Christ in the Gospell said of those who did cast out diuels in his name, [a] *He that is not against vs is with vs*; so may God rightly be conceiued to esteeme of all humane lawes, made for the reformation of manners; *those which are not against him are with him*: and therefore by his law confirmed and made of force to binde the conscience.

[a] Luk. 9. 50

This appeareth by the example of the [b] *Rechabites*, in their obedience to their father *Ionadab*, the sonne of *Rechab*; whom they obeyed, not because the things forbidden were in themselues vnl[illegible]full (for houses, vineyards,

[b] Iere. 35.

and

and fields are the good blessings of God:) neither was it for feare of displeasure, for [c] *Ionadab* was dead three hundred yeeres before; but only they thought themselues bound in conscience to obey their fathers commandement. Which opinion of theirs was iustified and approued of God to be true and sound, in that he did not only commend, but reward their obedience. [d] *Thus saith the Lord of hosts the God of Israel, because ye haue obeyed the commandement of Ionadab your father, and kept all his precepts, and done according to all that he hath commanded you, Ionadab the sonne of Rechab shall not want a man to stand before me for euer.*

[c] 2.King. 10.15.

[d] Ier.35.18

If a father then haue such command ouer his sonnes, for so many generations as were betweene the daies of *Iehu* and the raigne of *Ieboiakim*: how much more shall the lawes and statutes inacted by the gouernours of Commonweales, and the bodie representatiue assembled for the publike good, binde euery subiect to the obedience of the same?

But wee shall not neede to goe farre for an instance of this point. Our law at home is a pregnant proofe, that a law doth binde euen as it is a law, though the thing thereby imposed be of it selfe most free and indifferent. I speake of that *Common* or *municipall* law of our Countrie, whose *maxims* are not meerely grounded vpon the axioms and principles of reason and common equitie, but vpon the peculiar customes of this Countrie. I demaund then whence this law hath a binding power? Is it from the nature of the thing imposed? doth it command or forbid nothing but that which out of the principles of nature and reason may by demonstration be proued to be good or bad in it selfe? Verely then were it of as great power beyond Douer, as it is on this side: for the law of nature and reason is euerie where alike.

But it is the custome of place and people which addeth power: for euen a custome doth bind taking vpon it the nature of a law. *Ligat consuetudo quatenus interpretatiue lex est.* Be it custome then, or be it a perfect law, it must haue a

greater power of binding, euen as it is a cuſtom or a law, thē can alwaies be raiſed out of the nature of the thing accuſtomed or impoſed: For circumſtances may ſo alter the matter, as that which is impoſed may be ſometimes not ſo conuenient, as in common intendment a good law doth preſume. Yet hath it been euer thought more conuenient, that ſome particular inconuenience ſhould bee borne, then an ancient cuſtome or law ſhould bee broken. And if the binding power of a law ſhould worke no further then the thing it ſelfe, of it ſelfe, doth moue the conſcience without a law; then were it no power at all; but euery mans priuate conſcience ſhould haue power to abrogate and diſanull, as faſt as authority doth inact. A priuate power then muſt not abrogate that which is publicke: *Nihil agit vltra ſuam ſpeciem:* but euery priuate man doth ſtand bound to a humane law, vntill the ſame authoritie which bound him doe abſolue him. All things therfore conſidered, it is a dangerous conceit to imagine, that the power of humane lawes doth extend no further then the qualitie of the thing it ſelfe doth carie the conſcience: and ſo dangerous, as if it ſhould take place, it would violate that authority which is the ordinance of God; and ſhake the very pillers of the earth.

§ 2.

2 Then for the penaltie (which maketh it a penall law) I demand what power that hath to alter the premiſſes? Is the vndergoing of ſuch a penaltie an expiation of the ſinne committed in tranſgreſſing the law? God forbid. The leaſt ſin deſerueth a greater puniſhment then man can inflict. Or hath it a power to diſſolue that bond which by vertue of Gods law lieth vpon my conſcience? Or is it ſo incorporate into the law, that it leaueth a free choice vnto men, indifferently either to obſerue ſuch an act, or to vndergoe ſuch a penaltie?

Verily this is auerred; but the contrarie ſeemeth vnto me very pregnant, vpon theſe reaſons following.

1 Firſt (to make ſome way to that which followeth) it is

is much to the preiudice and weakning of good lawes, to giue ſuch interpretations, as doe diſpence with the conſcience, and ſet that at libertie. For if men be taught to make no conſcience of this kind of obedience (as God knowes they make but little) ſuch lawes ſhall lie as contemptible in the eſtimate both of good and bad; as well of the obedient as of lawleſſe and vnruly people; euery man keeping or breaking the ſame, as ſhall ſeeme beſt for his owne priuate aduantage. But I would rather thinke and teach, that as God Almightie is not an idle beholder of mens affaires, but hath a powerfull working in euery action; either to effect it or diſpoſe it vnto good: ſo ſitting, as *Dauid* ſpeaketh, in the *parliament* or *aſſemblie of gods*, hee giueth an influence into euery good law enacted, and by his owne law bindeth the conſcience to the obedience of the ſame.

2 The end of a law is to withhold men from vnlawfull acts, ſuch as bee thought vnfit to bee done or ſuffered in a well eſtabliſhed gouernment. For if men would of themſelues refraine, there ſhould be no vſe of lawes, as the [a] Apoſtle ſaith; *The law is not giuen to the iuſt man, but to the lawleſſe and diſobedient*. They be ſnaffles and bridles to curbe thoſe [b] horſes and mules which wil not otherwiſe be ruled. And conſequently the end of a penall law is by ſuch a penalty to withhold the diſobedient, that ſuch people might feele the ſmart of puniſhment who haue no ſenſe of conſcience. Firſt therefore, if men would bee good of themſelues, there ſhould need no lawes. Next, if men would make a conſcience to obey that law which is made, there ſhould need no penaltie to be annexed. As the law therefore is ordained for good manners; ſo the penaltie is a thing ſubordinate to the law. Now it is premiſed, that euery good law without the penaltie by vertue of Gods law doth bind the conſcience: ſhall the penaltie then bee added to diſanull that bond? ſhall law and penaltie bee ſo incorporate and tempered together, that the one ſhall diſable the other? this is no good morter. Wee did rather thinke that penalties were annexed to corroborate and ſtrengthen the law, that

[a] 1. Tim. 1.9.

[b] Pſal. 32.9.

that by puniſhing tranſgreſſors according to the proportion and degree of the offence, men might bee the more afraid to offend.

3 But (to ſpeake in their language who doe vrge this interpretation) if a penall law be diſiunctiuely to be vnderſtood: that is, either to be obeyed, or elſe to vndergoe ſuch a forfeiture; I demand whether of theſe two is principally intended by the law? Doth the ſtatute firſt intend the penaltie, or doth it lie indifferent vnto both alike? If either of theſe, then is it an vniuſt law. For a good lawgiuer had rather haue his law kept then broken: the reaſon is, becauſe the obſeruation or keeping of it is ſimply good: but the puniſhment of a tranſgreſſor hath in it the nature of euill, tearmed *malum pœnæ*; therefore a good intention is firſt moued vnto that which is good; *that the law may bee kept.* And in the ſecond place, a puniſhment is intended, as it is a remedie againſt a greater euill then it ſelfe. I ſtand bound then euen in conſcience vnto a good law, according to the ſimple intent of it: that is to ſay, not becauſe of the penalty only, or, to ſpeak in the phraſe of the holy Ghoſt: *not becauſe of wrath onely,* (which is all one:) but chiefly that I may performe that good thing which the law doth chiefly intend: which if I ſhall trangreſſe, the penaltie is indeed a ſatisfaction to that law, but no expiation of my ſinne of diſobedience.

Rom. 13.

4 Laſt of all, that we may cleere this ſtatute of all ſuch imputation, (a ſtatute which hitherto hath had no blemiſh caſt vpon it, being without the compaſſe and reach of their ordinarie exceptions, *the oppoſition to Gods law*, the *abridgement of Chriſtian libertie*, *ſcandall*, and ſuch like ſtones which they vſe to fling at lawes:) If the Statute had any ſuch purpoſe to make a diſiunctiue law, how ſhall that appeare? For if it be not expreſſed, then is it by common intendment to be vnderſtood according to the premiſed rules: and to put it out of quarrell, that the contrary is intended, ſhall appeare by three points within the ſtatute.

13. *Elizab.*

1 Firſt, there is a ſpeciall clauſe in this ſtatute of Vſurie that

that *it ſhall bee moſt largely and ſtrongly conſtrued for the repreſſing of Vſurie againſt all perſons who ſhall offend.* But this conſtruction doth contrariwiſe giue a liberty to commit Vſurie: ſo a man will venture the forfeiture in caſe he bee conuicted: Like the Phariſies Corban, who if the offrings be brought, will diſpence with obedience and honour due to parents. This is * *to eate the ſinnes of the people*, which is not iuſtifiable in any law. Mark.7. Hoſ.7.11.

2 The nature and extent of the penaltie doth import no leſſe. For it doth not only puniſh exceſſiue Vſurie aboue ten in the hundred; but all vnder ten, vnder nine, vnder eight, be it neuer ſo little; it is puniſhable by the ſtatute; and therefore ſimplie forbidden by the intent of the ſame. For the Vſurie or ouerplus which is taken aboue the principall is not reſtored to the borrower; for then were it no puniſhment: becauſe euery partie were in *ſtatu quo prius*, as he was before the couenant: But it is all forfeited by the law to the king, and the informer, in the name of a puniſhment, *ſhall be puniſhed in forme following*: which if it be a iuſt puniſhment muſt preſuppoſe a breach of iuſtice in the parties puniſhed.

3 The third is, the motiue which moued the Parliament to make this act. *Foraſmuch as all Vſurie being forbidden by the law of God is ſin, and deteſtable; be it enacted, &c.* It was therefore enacted againſt vſurie, becauſe it is a ſinne and deteſtable, forbidden by the law of God: Is there any doubt then but it was the meaning of the ſtatute ſimply to forbid it? It is true indeed, that the preamble is no eſſentiall part of the act: yet is it as a key to open the intention and true meaning of the law, nothing better.

But the reſtleſſe wit of man, if it bee once ſet vpon contradiction, will neuer giue ouer. I haue heard it obiected, that whereas it is ſaid in the ſtatute, *Foraſmuch as all Vſurie being forbidden by the law of God is ſinne and deteſtable*, thoſe words (*being forbidden by the law of God*) are inſerted, not as a reaſon of the aſſertion; but as a part of the ſubiect of the propoſition: *all vſurie being forbidden:* that

is to ſay; *all Vſurie which is forbidden by the law of God is ſin, and deteſtable.* As if ſome Vſurie were not forbidden. Wit whither wilt thou? The ſequel runneth thus: *For as much as all Vſurie being forbidden by the law of God is ſinne and deteſtable; Be it enacted, that all Vſurie, loane, &c. ſhall be puniſhed in forme following.* Doth not the conſequence plainely ſhew that the law meant honeſtly in the antecedent? that for as much as all Vſurie is forbidden by the law of God; be it therefore enacted that all Vſurie ſhall bee puniſhed?

Whether it be a cleere caſe or queſtionable, *that all Vſurie is forbidden by Gods law*, is not materiall for this argument; lay that by for another place. This notwithſtanding is cleere, that the iudgement of the lawmakers in that Parliament was, that Vſurie is ſimply euill in it ſelfe; and therfore the meaning of that law is ſimplie to forbid it. For as they conceiued it to bee forbidden by Gods law; ſo did they alſo by their iudiciall power and authoritie adiudge and determine it to be not onely ſcandalous, but perilous and preiudicious to a Chriſtian common-wealth: and therupon enacted a law, and preſcribed a puniſhment againſt all Vſurie whatſoeuer. What hindreth then why we ſhould not ſubmit our ſelues to this act, euen for conſcience ſake? Admit the lawmakers did erre in thinking euery vſurious act to be forbidden by the law of God: ſhall euery ſuppoſed error diſanull ſuch a ſolemne act? God forbid. A man for the purpoſe is moued to chuſe ſuch a wife, ſuppoſing her to be of ſo great wealth, and of ſo good qualities: hee is ſomewhat deceiued in both his motiues. What then? Shall his error make his mariage void? nothing leſſe: ſo long as the errour is not eſſentiall to the act it ſelfe, the act ſhall thereby receiue no preiudice or hurt at all.

It appeareth then, that theſe concluſions following doe neceſſarily ariſe out of the premiſſes.

1. Firſt, in this ſtatute of Vſurie there is nothing inacted contrary to the law of God; and therefore in Gods account it is a iuſt law. 2. If it be a iuſt law, then doe we ſtand bound in conſcience to obey it according to the ſimple meaning

meaning of the ſame. In conſcience, I ſay, not by any inherent vertue in the ſtatute; but by vertue of his command who bids vs obey, *for conſcience ſake.* 3. It is the ſimple meaning of this ſtatute, ſimply and abſolutely to forbid all Vſurie whatſoeuer; and therefore albeit in *Germanie* and *Geneua* their conſciences may be free from this obligation of a poſitiue law, becauſe their lawes againſt Vſurie be not ſo preciſe: yet in England we are cleerely condemned for any increaſe or ouerplus whatſoeuer: condemned in the court of conſcience, by vertue of the law of God, for tranſgreſſing of this ſtatute: condemned euen by the rule of maſter *Caluin* himſelfe: *Ne excedatur modus conſtitutus in quauis regione vel republ.* Some branch of this argument is queſtionable: yet is the inference cleere; this being a ſtatute for the publike good.

Epiſt. de Vſura.

Chap. XIII.

The fourth argument, that it is vnnaturall.

THat the Heathen writers, who neuer heard text of Scripture againſt vſurie, at whoſe light notwithſtanding for nature and art, we doe all light our candles, ſhould with conſent condemne it, it makes mee thinke that there is ſomewhat in nature againſt it; eſpecially ſeeing how that ſunne of nature *Ariſtotle*, whom his mother loued ſo deerely, that ſhe kept few things from him, hath concluded it to be, *an vnnaturall increaſe.* Few things haue dropped from his pen, but with good congruity of reaſon: let vs therefore briefly examine what we find.

1 Firſt, it is euident that the primitiue life was moſt naturall, and therefore the moſt innocent, when men liued vpon that increaſe which God gaue by the yeeld of the earth and liuing creatures. For the firſt trade that euer nature taught, was to till the ground; by which man might be fed: wherein *Adam* his eldeſt ſonne was trained. The next was the keeping of ſheepe, which *Abel* learned, to

Gen. 4. 2.

clothe their nakednesse. And as from these two all other trades and professions, for worldly commoditie, were deriued; so must they be content as from the originall to take some direction. *The first in each kinde is a rule.* The innocencie and integritie whereof God approoued in that he would be worshipped himselfe in the first fruits, and haue his priests maintained by the tithes and oblations of such increase. Stipendarie maintenance was first the inuention of that Idolater [b] *Micha*: yet such is much better then none at all; *Meate and drinke, a suite of apparell, tenne shickles of siluer by the yeere*, for a Leuite it is well. But how well the Leuits master came by those shickles, is more then ỹ Leuite wel knowes. That which came by the sickle & sithe was the best and fittest for God; because most agreeable to nature, which the ancient [c] Doctors of nature haue obserued.

[b] Iudg. 17. 10.

[c] *Cato de re rustica. Cicero in Cato.*

But after that the world was replenished with people of all sorts and qualitie, necessitie brought in the change and transportation of such commodities as the condition of men did require.

Non omnis fert omnia tellus.

And for the more easie and commodious transportation, buying and selling with money, and merchandizing in all kinds was practised of all people: yea of *Iuda* and *Israel*, and neuer forbidden. Which gaine, though it be greater and more royall, yet it cannot be denied, but, as it is more remote from primitiue increase, so is it more to be suspected of iniquitie. *Salomon* made a prouerbe of it: *It is naught, it is naught, saith the buyer: but when he is gone apart he boasteth.* So, *it is good, it is good*, saith the seller, *and when he hath his money he laugheth.*

Ezek. 27. 17.

Prou. 20. 14.

A Merchant is good, but it is not good to be a *very Merchant*. Prouerbiall speeches be often true. So it is true, that *there is as much craft vnder the russet coate, as the Citizens gowne*. God amend vs all. But the craft lieth not in husbandrie, but as husbandmen play the Merchants in buying, selling, and making of bargains. When Christ droue the buyers and sellers out of the Temple, and charged them *for making*

Mat. 21. 14

king his fathers houſe a denne of theeues; he doth not accuſe buying and ſelling of theft: but taxeth the common abuſe and corruption that was amongſt them. For, *as he that toucheth pitch ſhall be defiled*: ſo ſuch as liue vpon negotiation, ſhall haue much adoe to keepe their hands cleane. *There be two things* (ſaith the Wiſe man) *which me thinke to be hard and perilous: A Merchant cannot lightly keepe him from wrong, and a Victualler is not without ſinne.* Eccleſiaſt. 13.1.

3 If theſe profeſſions bee ſo ſuſpiciouſly thought and written of, which be ſo neceſſarie and commodious for all eſtates; which by skill and induſtrie inrich kingdomes and Common-weales, with ſuch varietie of Gods bleſſings; which miniſter to the neceſſities of all ſorts and degrees, by transferring and diſtributing ſuch commodities as nature her ſelfe hath brought foorth for the vſe of men: what ſhall we deeme of ſuch as meddle not with natures increaſe, ſaue onely in conſuming and deuouring it; but liue and inrich themſelues by a thing meerely artificiall; the inſtrument of tranſportation, money? which is indeed the price of all, and ſo in eſtimate anſwereth all, and commands al amongſt men: yet a thing of it ſelfe meerely artificiall. The mettall of gold and ſiluer, I confeſſe, is the increaſe of nature: but money carrying the ſtampe of authoritie, to be the price of things, is meerely artificiall. Vpon this artificiall thing, yet not vpon this, but the vſe of this; as it is vſed, not by themſelues, but altogether by others, doe theſe whom wee call Vſurers liue, maintaine themſelues & increaſe their wealth. And now me thinkes I am come to a profeſſion ſo remote from the firſt originall, that ſhe hath ſhaken hands with nature, and is become a meere ſtranger vnto her. Let vs ſee if there be any reſemblance betweene them.

When they write that money is barren and vnfruitfull, it is to be vnderſtood chiefly in two reſpects.

1. Firſt, whereas ſeed caſt into the ground, doth by mans induſtrie bring foorth more into the world then there was before, *ſome thirtie, ſome ſixtie, and ſome an hundred fold*: whereas cattell doe increaſe and multiplie, that the world Mat.13.8.

is the fatter for them: whereas the labour and trauell of men doth enrich and repleniſh the earth, money is only an inſtrument to ſhuffle wealth out of one mans hand into an other, and to tranſport from place to place: but the ſumme of one hundred pounds, turne it and returne it as often as you can, is ſtill the ſame ſumme without increaſe, the peeces where euer they be, remaine ſtill the ſame without alteration, there is not one whit more *in rerum natura*. Nothing is brought into the world more then when the money was firſt disburſed.

2. Secondly, whereas there is nothing in nature, or art, that is worth any thing, but hath ſome vſe in it ſelfe, if it be well vſed: nothing whatſoeuer it be, naturall or artificiall, but it ſerueth either to feed, or to cloath, or to ſhelter, or to heale, or to refreſh, or to adorne, or to worke withall, or to play withall: yet for money, as it is current money, there is no manner of vſe to be made of it, but only in parting from it; no more then of a counter; no more then of durt in the ſtreete, nor ſo much, for that will dung the ground. Adde vnto this, that there is nothing in the world which doth yeeld increaſe, or hath vſe in it ſelfe, but it is the weaker for giuing increaſe, and the worſe for the vſing; *euen milſtones will weare*. So that in things which paſſe betweene man and man for hire, the equitie is apparant, both for the poſſeſſor to pay hire, becauſe he may haue vſe of it while he doth enioy it; and for the owner alſo to take hire, becauſe it weareth in the vſing and is worſe for the wearing: only money neither bringeth increaſe to the world in generall, neither is it of any vſe to the poſſeſſor, but only in diſpoſſeſſing himſelfe of it. Yet this money, for this vſe, ſhall be to the Vſurer fruitfull, and profitable, and neuer the weaker or worſe for the vſing: for his hundred pound ſhall bee made good vnto him, as ſound and good as euer it was. It ſhall conceiue, breed, and bring foorth vnto him without trauell, coſt, or perill, tenne yong angels once in ſixe moneths at the furtheſt. This increaſe vnto naturall Philoſophers did ſeeme vnnaturall.

Moreouer,

Moreouer, nature hath eſtabliſhed in all things vnder the Sunne, a certaine terme and pitch when they ſhall make ſtay of increaſe and multiplying. The land if it want a *Iubele*, will in time grow hartleſſe: houſes if they be not reedified will decay: trees will leaue bearing, and cattell breeding, when they grow old: mans labours and skill wil faile with yeeres: only the Vſurers money doth multiplie infinitly; the longer the luſtier: if he can but liue, hee may ſee his moneys moneys money, euen a hundred generations. Is not this παρὰ φύσιν? Verily, though it bee no demonſtration againſt euery act of begetting money vpon money by money; yet it ſheweth this kind of increaſe to be very vnkind, and to haue but ſmall reſemblance vnto that naturall increaſe, which the God of nature hath eſtabliſhed as moſt innocent amongſt men.

Chap. XIIII.

The fifth argument, that it is vngodly.

AS nature teacheth men to doe that which is ſeemly, kind, and naturall; ſo religion and pietie teacheth Chriſtian men, in all their affaires, to depend vpon Gods prouidence, and ſtill to expect a bleſſing from heauen. So it ought to be, and ſo it is in all profeſſions, except vſurie: *Nullum de Deo hominum genus peius ſentiunt quam daniſtarum: ſudum ſit an tempeſtas, perinde illi eſt:* Of all men the Vſurers thinke worſt of God, and will leaſt truſt him: be it faire or foule, all is one; they will haue their money. The husbandman lookes vp to the cloudes, and prayeth for ſeaſonable weather: The Merchant obſerues the winde, and prayeth God to deliuer him from tempeſt and wrack: The tradeſman wiſheth the people may haue money, that he may vent his wares at a reaſonable rate, and liue in ſome good faſhion: The labouring man prayeth for worke and health, that he may get a poore

poore liuing with the ſweate of his browes; only the Vſurer of all others hath leaſt need to ſay his prayers: be it wet or drie; be it tempeſt or calme; blow the wind Eaſt, Weſt, North or South; be he well, or be he ſicke; bee hee goutie and lame, or be he ſound of body; let him be what he will, or doe what his liſt; he will be ſure of his money. for time onely worketh for him; all the daies in the Calender be ſet a worke to worke out his gaine; yea Sabbaths and all; the red letter is as fit as the blacke for his buſineſſe, to make vp the number of daies, of weekes, of moneths; ſo the time goeth out and the money commeth in.

I will not denie it may fall out ſometime that the Vſurer may loſe a ſumme of money, as [a] *Paul* and *Silas* were looſed out of priſon, whē the iailors thought they had laid on bonds enow. So I grant there may come ſuch an earthquake, and ſometime doth, that the Vſurers bonds and obligations will be of little effect: but ordinarily, if he bee his trades-maſter, hee ſhall not ſtand in ſo great need of Gods bleſſing as other honeſt men doe. Can wee thinke in conſcience that God is pleaſed with ſuch a life?

[a] Act. 16.

Saint *Paul* giueth a charge to *Timothie, To charge the rich of this World that they truſt not in vncertaine riches, but in the liuing God, who giueth all things abundantly to enioy.* God hath therefore made riches vncertaine, becauſe wee ſhould not truſt in them, but in him who giueth them. That contract therefore, which for lucre and gaine maketh the vſurers money, both principall and increaſe, certaine vnto him, which God hath made vncertaine in it ſelfe; doth croſſe his diuine ordinance; and is ſo far forth an vngodly contract. Beſide, the more certaine he maketh wealth vntō himſelfe, the more he doth withdraw himſelfe *out of Gods bleſſing into the warme ſunne:* to ſit quietly at home without care, and to be ſure of his money: This is vngodly.

1. Tim. 6. 17.

But it will be ſaid: if God haue made riches vncertaine, it is not the Vſurer can make them certaine True, yet vnto himſelfe hee maketh them certaine by transferring their vncertainty vpon others. He takes the bond of a man to ſecure

cure him againſt God, both for his gaine and principall; againſt all caſualtie whatſoeuer, againſt the act of God himſelfe: This is vngodly.

I meddle not with aſſurances in this place; they bee no part of my queſtion: In them there is a more equall aduenture, where the gainer beareth the perill, and where Gods hand in the loſſe lighteth vpon both parties. But light it where it will, vpon the Vſurer, by his owne will, it ſhall neuer light. Yea but will hee, nil he, hee muſt truſt God, whoſe prouidence is ouer all. True, but if he do it perforce againſt his will, it is nothing. Art thou willing according to the rules of piety, to truſt God with thine owne goods? then tempt him not, and thou maieſt truſt him ſafely. That is to ſay, arme thy ſelfe with all conuenient ſecurity againſt the fraud and deceit of men; for the world is naught: bee as prouident as thou canſt againſt all caſualties that may befall: ſo God would haue thee; elſe thou ſhalt tempt him. Then if thou ſend out thy goods for thine owne aduantage, ſend them out as thine owne, deſire a bleſſing vpon them; if they periſh by the default of another in whoſe hands they be, good reaſon that he ſhould pay for his own fault; but if the hand of God be vpon them, remember they be thy goods, ſent out for thy gaine, as well as for the borrowers: they be Gods bleſſings, it is *the Lord that gaue them, and the Lord hath taken them*; bleſſe his name: this is a godly and Chriſtian reſolution: elſe thou doeſt build the tower of Babel to defend thy ſelfe againſt heauen; thou takeſt ſecuritie of a wretched man, both for thine owne goods and gaine; for Gods bleſſing againſt the hand of God himſelfe. *Montes impietatis.* Gen. 11. 4.

This which I ſay vnto all in generall, I ſay vnto old men in particular, who be *attentiores ad rem:* who haue giuen ouer trading, and begin now to repoſe themſelues vpon Vſurie. Will not ſuch a man truſt God in his old daies, who hath bleſſed and preſerued him thus farre? Remember the time is not long, vntill thou muſt truſt him with a far greater matter. Not the principall of thy money; but the prin-

cipall of all, euen thy soule must bee committed into his hands, who is able and may iustly cast it into hell fire. Admit God shall by his owne act take away some part of thy wealth; thinke with thy selfe, it may bee I haue gotten some part vniustly, and God will pare it away, that he may withall cut off my sinne for my soules sake. And if it please God hereby to trie my patience; *The Lord hath giuen and the Lord hath taken; as it pleaseth the Lord, so commeth things to passe: blessed be the name of the Lord.*

Iob 1.21.

CHAP. XV.

The sixth argument, that it is vniust.

THe second table is deriued from the first; therefore if vsurie be vngodly, how can it be iust? It offendeth against heauen and against earth: vniust it is, whether we consider the nature of the thing it selfe, as it is before defined; or whether wee respect the persons themselues whom it doth concerne.

Looke vpon the definition, and in it vpon three things. 1. the Loane. 2. the Couenant for the loane. and 3. the Lucre vpon couenant: and euery one of these will proue the iniquitie of it.

1 First, it is the nature of loane to be free: for as a thing is not giuen but sold, vnlesse it be freely giuen: so is not any thing lent, but rather let, if it goe for hire. We haue defined Vsurie by *lending* or *mutuation:* and so hath the Scripture likewise. Vnto which our [b] aduersarie in this point doth accord, that the obiect of Vsurie is a thing lent, called *mutuum*. But lending is a worke of mercy, of kindnesse, of bountie, of liberality; it was euer so taken both in Scripture and common conceite. [c] *Thou shalt not shut vp thy compassion, but shalt lend.* [d] *A good man is mercifull and lendeth.* [e] *Do good and lend.* Lending, I say, is a worke of mercy

Exod.22. 25. Deut.23. 19.
[b] *Molinæus*
[c] Deut. 23.8.
[d] Psalm. 112.5.
[e] Luk.6. 35.

to

to the poore, of kindneſſe to thy friend; thou muſt not therfore ſet a price vpon it.

Thoſe are much deceiued then, who thinke that Vſurie is iuſt, becauſe the vſe of money for a time is worth money; and therefore if no more bee taken then the vſe is worth, there is no iniquitie. This rule holdeth in buying and ſelling, but not in acts of charity; therein it is no good rule. Thou bidſt, for the purpoſe, thy poore neighbours to dinner: this is money worth; for it coſt thee money, and ſaueth them money at home: yet thou wilt not ſet a price vpon it. Why? becauſe it is a worke of charity. Thou bidſt thy rich neighbour ſometimes; that which hee eateth is worth money: yet thou wilt take none; but thinke foule ſcorne it ſhould bee offered. Why? becauſe it is an act of kindneſſe, of neighbourhood, of friendſhip: theſe things may not bee bought and ſold, the nature of them is to bee free. Lending is a worke of mercy to the poore, of kindneſſe to thy neighbour; and therefore is euer free. It is as vniuſt a thing to ſell charity, or friendſhip, as it is to ſell iuſtice: both are naught; this is *briberie*, and that is *Vſurie*; let them goe together.

2 If thou looke vpon the *Couenant for this loane*, it is vnequall: wherein thou doſt bind the borrower to make good the principall, and to pay thee increaſe for the vſe of the ſame principall, for the time it is lent.

I demand then, during the time of loane whoſe is the principall? thine or the borrowers? It was thine before thou lent it, and it ſhall be thine at the day of payment; but during the time of loane, it is the borrowers: for thou haſt by couenant paſſed ouer both vſe and propertie to the borrower: ſo that during that time thou wilt not owne it; if it periſh, it periſheth to the borrower, as to the right owner for that time. If it bee none of thine then, but the borrowers for that time; I aske, by what right canſt thou couenant to receiue hire for the vſe of that which is none of thine, during the time it is not thine?

If thou let a horſe, houſe, or land, thou maieſt couenant

to receiue hire becauſe thou haſt paſſed ouer their vſe only, reſeruing the propertie of them to thy ſelfe; ſo that thou art owner of horſe, houſe and land ſtill, during the time they be in an other mans poſſeſſion. Therefore if the poſſeſſor ſhall abuſe thy horſe, or make waſte vpon thy land, thou doeſt iuſtly complaine, becauſe the property of them is thine: ſo is it not in money. Why doeſt thou then couenant for hire, for the vſe of that wherein thou haſt no right or property? Thou wilt happily imagine, this is but a quiditie or ſchoole tricke put vpon thee. Thou thinkeſt in very deed the money is thine being ſo lent, hee hath but the vſe onely for a time. Be it ſo then: Let the principall bee thine in couenant, as it is in very deed. Bee thou the owner of it, during the time the borrower vſeth it: ſo that if it miſcarie, thy money miſcarieth, and not his; for euery thing periſheth to the right owner. Nay (quoth the Vſurer) there I leaue you. Though the principall indeed bee mine, yet if it miſcarie it ſhall be his, he ſhall beare the perill: I will make that in my bargaine. Therefore, ſay I, it is an vnequall and vniuſt bargaine. The borrower hath the vſe onely of thy principall, and payeth for the vſe, which alone is his: why ſhould he then beare the perill of thy principall, which is none of his? The vſe only he hath, and hee payeth for that which hee hath: why ſhouldeſt thou burthen him then with that he hath not? This is no quiditie: It is the equitie of Gods law. [a] *The borrower ſhall not make it good, for if it be an hired thing, it came for the hire.* It is added, *if the owner thereof ſtand by:* (to wit) that it appeare to periſh or be hurt, not by any fault of the borrower. So admit money could by Vſurers bee made an hired thing; yet the equitie of Gods law bindeth, that if it appeare to miſcarie without the fault of the owner; the borrower ſhall not make it good, becauſe it came for hire.

[a] Exod. 22.15.

3 If we conſider the quantitie and qualitie of this lucre or intereſt, (as they commonly tearme it) it appeareth ſtill worſe and worſe.

1 Firſt, there is great gaine, which is ſeldome iuſt: [b] *Hee that*

[b] Prou. 28.20.

that maketh haſt to be rich ſhall not be innocent. What a ſimple foole was *Ariſtotle*, to call money barren, which yeeldeth a double harueſt at the leaſt euery yeere? ſixe moneths is the moſt; nay three moneths returne is ordinarie, and yet ſtill the former crop maketh ſeed corne for the next. Let me ſee: Admit one thouſand might bee ſet by free, to run at intereſt, and not faile, 70. yeeres (which is but the age of a man) it would increaſe to a million, a thouſand fold; a pretie proportion, to ſit ſtill and doe nothing.

2 In all honeſt trades, the greater gaine, the greater aduenture ſtill. Soft gaine is ſure: the more vncertaine the gaine is, the greater it may be, and good reaſon it ſhould be ſo. When the great gaine of Merchants in former time hath been obiected vnto them, they could ſay of their goods as Saint *Paul* writeth of himſelfe: *In perils of water, in perils of robbers, in perils of mine owne nation, in perils among the Gentiles, in perils in the wilderneſſe, in perils in the ſea, in perils among falſe brethren:* and it was thought a reaſonable apologie; but Vſurers haue the gaine, great gaine, and others beare the perill, great perill. 2.Cor.11. 26.

3 Great and certaine gaine out of vncertainties; the great and certaine gaine of the lender, out of the vncertaine gaine of the borrower. Vncertaine, whether it ſhall be little or great: vncertaine, whether it ſhall be any at all: vncertaine, whether hee ſaue the principall: But win hee or loſe he, the couenant is for a certainty: *Certum lucrum ex incerta negotiatione.*

4 Adde vnto this, that ſuch great and certaine gaine out of theſe vncertainties commeth in without labour or coſt, or trouble to ſpeake of. Heere is a cleanly Alchymiſt, who can extract ſo much ſiluer, & waſt nothing in ſmoake.

Summe all together; ſo haue you; great gaine and certaine to the vſurer: ſometimes out of little gaine; ſometimes out of no gaine; ſometimes out of loſſe; alwaies out of vncertainties; alwaies out of labour and paines, out of care and coſt, out of hazard and perill to the borrower. Commeth all this on Gods name?

§. 2.

Take a view of the parties whom vſurie doth concerne, they be three in number: The Vſurer, the Borrower, the Common-wealth.

1. Firſt, let the Vſurer be his owne Iudge. Aske him if he be an Vſurer? No, there is none free of that companie. And yet it is not for want of companie, there be enow of the trade. Beſides, it is an ancient trade, it is a cunning trade, (*a myſterie* if you will) it is a gainfull trade, a ſure trade. There be men rich, wiſe, and very ſufficient euery way of the trade; for Maſters, for Wardens, for what you will. Why then haue we not the Companie of Vſurers? I know no reaſon but only this, ſuch men are aſhamed of their profeſſion. We may ſay of them as S. *Paul* ſaid of an heretike, Tit. 3. 11. that *he is peruerted and ſinneth, being condemned of his owne ſelfe.*

If vſurie bee an honeſt trade, which men neede not be aſhamed of, our Citie is much to blame in this: for there is no trade in it ſo poore and meane, if it be an honeſt trade, but hath a Companie. The *labouring man*, the *Maſon*, the *Tiler*, the *Water man*, nay the *tribe of Iſaker*, who carrieth burdens amongſt vs, hath a marke to know, who belongeth to that fold: onely they haue excluded the *Vſurer* and the *Broker*. I ſaid their owne hearts condemned them: me thinks the Citie condemnes them too. Is there no place for them? *Nuſquam eſt qui vbiq;*. I pray God they be not of euery Companie. Yet if we be asked what the Vſurer is, we muſt anſwere as our Sauiour Chriſt ſpeakes in the parable, Luk. 16. 19 that he is *a certaine rich man*, of no calling or profeſſion; a certaine rich man, and that is all.

2. That we may take a view of the borrowers, we doe ſort them into foure rankes: Firſt, if they be poore indeed, then is it miſerable and palpable biting, the emphaſis of Gods law ſtands vpon that. Such lending is to them like cold water powred vpon a ſeacoale fire, or as a ſhower of raine vpon a load of lime; though it may ſeeme to quench and coole, yet it kindleth and inflameth more and more.

If

If they be young gallants and prodigall persons, the Vsurers lend, and they spend. Let them looke to their lands; let them beware of *Dauids* curse; *Let the Noshec*, that is, *the Vsurer catch all that he hath. Illaqueat fœnerator omnia quæ ei sunt.* The spider lets them buzze and struggle till they be fast intangled, lands and all; and then hee sucketh them. One vse that God maketh of such Vsurers in this world, is to be a curse and a plague vnto riotous persons. Against these two sorts of borrowers that schoole argument is demonstratiue, that the vse and propertie of the principall be inseparable; that the principall is spent in the first vse: for these persons make but one vse of money. It is spent to them in the first vse; the poore for necessitie; the prodigall for wantonnes, doe send it packing, neuer to return either in kinde or any equiualent. 2 Psal. 109. 11.

A third sort of borrowers bee rich and well grounded men. A rich borrower? how doe these two agree? *Doth the asse bray when hee hath prouender, or loweth the oxe when hee hath fodder?* If such haue some present occasionall need (as the richest may haue) if thou canst spare it, lend in kindnes and neighbourhood, to receiue the like courtesie againe an other time. This in such a case, is consideration enough for a Christian, because the Heathen desired no more, but ~~nil ama~~ for *euen sinners* (saith Christ) *lend to sinners to receiue the like*, the like kindnes another time vpon the like occasion. Humane societie cannot stand without lending and borrowing, as S. *Basil* notes. Wherefore hath God made men sociable creatures, but to helpe one another vpon such occasions? But to lend rich men to inrich themselues more, is to powre water into the sea; thou art therein no good steward of Gods blessings, which hee hath giuen thee to dispose of. It is not good to feede a rich mans humour too much: thou maist giue him weapons to doe hurt withall: for he will gaine double or trebie at the least, and some bodie must pay for that, who cannot so well spare it. 3 Iob 6. 5. Luk. 6. 34.

Besides, hee doth shuffle thy stocke amongst so much wealth of his owne, that thou canst not gesse which way it goeth,

goeth, or how it is imployed; which being thy goods thou muſt anſwere for, if thy care be not as great for the good imployment of thy money, as it is for the ſure paiment thereof.

4 The laſt ſort are of a midling fortune, or yong beginners, who make a poore ſhift, but are ſcarce able to manage their trade, for want of money. Now are we come to the proper obiect of the ſecond worke of charitie. For as free gift and almes belongeth to ſuch poore people, as be not able to repay any thing backe againe; ſo free lending belongeth to ſuch as theſe. Heere is place for *bankes of Charitie*, that tradeſmen may haue free vſe of money; only paying the officers fees, which is no vſurie. If thou canſt ſpare it, thou maiſt doe well to pleaſure ſuch with a ſumme for a time freely, that God may bleſſe thee. Or if thou thinke ſo well of any of them to venture ſome ſtocke, by way of partnerſhip; that way alſo thou maiſt profit thy ſelfe and them with a good conſcience. Is there no way but plaine vſurie? If ſuch young beginners cannot by ſuch lawfull meanes be relieued, they muſt take it for their croſſe, and be content to take paines in ſeruice vntill they can be maſters of their trade: It may be God would not haue them to come vp ſo haſtily as they deſire. Good and lawfull meanes offered vnto vs, are as a ſermon from heauen to declare what the good will and pleaſure of God is.

3 For the Common-weale, it becommeth not a Churchman to ſay much. But this is obuious and plaine; that it is not good for a hiue to nouriſh drones; *edenti, ſedenti, dormienti, &c.* Let them eate, ſleepe, ſit, and play; doe what they will, the moneths goe out, and the money comes in. Theſe be the kine of *Baſhan* which feede vpon the Commons.

Amos 4. 1. *Heare the word ye kine that are in the mountaine of Samaria, which oppreſſe the poore, and deſtroy the needie.* Nay they be like wormes and weapons, onely to deuoure; elſe what good doe they? Forſooth they ſend out their money It is true; and that doth the Common-weale pay deerely for; a hundred thouſand pound for euery *million*, at the leaſt. But

were

were theſe men in their graues, their money would come more freely: their young frie would ſend it abroad commonly moſt frankly, without penie of intereſt. And this is the ſpecial prouidence of God for the common good, who (as [a] *Salomon* obſerued) will bring it ſo about, that the Vſurers money will abroad for the good of others. For if the Vſurer could make himſelfe, as he maketh his principal, incorruptible; wealth would quickly get into a few mens hands; which is the [b] preſent bane of a Common-weale. The Vſurers money paſſeth from hand to hand like counters, the ſtanding boxe in the end would eate vp all: and then what calamities, tumults, and ſeditions muſt needes follow? If any can but hoiſe a ſtandard, be he *Dauid*, or be he [c] *Abſolon*, ſuch diſcontented perſons as be ſo faſt in the Vſurers bookes, will flocke, by force to redreſſe themſelues.

What lamentations in [d] *Nehemia* his time for twelue in the hundred? What beggerie amongſt [e] *Spaniards* by the *Genowaies*, notwithſtanding their *Indian* trade? What garboiles in [f] *Germanie* by the Ruſticks againſt Magiſtrates? What riots in [g] *England* by Chriſtians againſt Iewes? What ſeditions in all [h] Cities hath vſurie been the cauſe of?

So then which way ſo euer wee turne our ſelues; whether wee looke vpon the *loane*, the *Couenant*, the *lucre*, in the thing it ſelfe: or whether we reſpect the parties, to wit, the *Vſurer*, the *Borrower*, or the [i] *Comminaltie*, wee finde much iniquitie, but no iuſtice; much miſchiefe, but no good at all.

[a] Pro. 28. 8

[b] *Bodin de rep. lib. 5. cap. 11.*

[c] 2. Sam. 22. 2.

[d] Nehem. 5

[e] Dr. *Wilſon, fol. 186.*

[f] *Arct. problem. de vſura.*

[g] *Anno* 37. *Hen.* 3.

[h] *Hieron. in Eſa. 58. 6.*

CHAP. XVI.

The seuenth argument, that it is vncharitable.

WHere we finde no iustice, what hope can there be of charitie? For first there is such a naturall antipathie betwixt vsurie and charitie, that they cannot possibly dwell together in one breast. Which is insinuated not obscurely by *Salomon* in the place before mentioned: *He that increaseth his riches by vsurie and interest, gathereth them for him that will be mercifull to the poore.* God by his vnsearchable prouidence, will so dispose and order things, that the Vsurers wealth shall come into the hands of him who will be as *mercifull* as he was *mercilesse*. The antithesis of which place sheweth that the Vsurer wanteth the bowels of mercie, which good men haue. For as in the same booke he saith, *the riches of sinners are laid vp for the iust*: so the riches of the Vsurer are gathered for the mercifull. Where *Salomon* setteth *mercie* in opposition vnto *vsurie*. Wherefore vsurie may well be termed a biting: for as without, it biteth others; so in the heart of the Vsurer, it eateth out the very bowels of compassion. It is a principall branch of that roote of all euill, which rooteth vp the roote of charitie, strugling with it in the very conception of the heart, as *Esau* did with *Iacob*.

Prou. 28. 8.

Pro. 13. 22.

2 And as euen mentall vsurie doth naturally oppose it selfe to the affection of mercie and compassion, and thereby hardneth the heart of the Vsurer; so doth actuall vsurie likewise peruert the act of charitie, turning it into an act of selfeloue. That renowned act of *lending*, which bringeth an heauenly reward, and a blessing vpon posteritie, is by vsurie exposed to a most illiberall bargaine and sale: that which was ordained of God, by the Canon of that *Charitie which seeketh not her owne*, to respect the good of others; is turned to his owne proper lucre and gaine.

Psal. 37. 26.

1. Cor. 13. 5.

Cap. 10. 24

3 Last

3 Laſt of all, experience telleth vs that this practiſe of vſurie, by ſetting a price vpon *lending*, as vpon ware in a market, hath almoſt diſplaced free loane amongſt men. So as a chiefe ſuppoſed patron of vſurie, *Bucer* himſelfe, obſerueth: *Eò res abijt, vt impudens habeatur, qui mutuum petit citra fœnoris oblationem:* He is now counted an impudent fellow, who will offer to borrow money without proffering conſideration. *In Pſal. 15.*

Thus haue I ſhewed briefly as I could, that vſurie is vnto all doubtfull at the leaſt, and therefore vnlawfull. If not, yet it is ſcandalous and offenſiue; and therefore vnlawfull. It is forbidden by a law to which wee all ſtand bound in conſcience, and therefore vnlawfull. I haue ſhewed it likewiſe to be in it ſelfe vnnaturall; vngodly againſt heauen; vniuſt towards men; and vncharitable againſt the rules of mercie. Now if it be any of theſe, it is a ſin; if it be all theſe, it is an abomination.

The end of the ſecond Booke.

THE THIRD BOOKE ANSWERETH SVCH motiues and proofes as are brought for Vsurie.

CHAP. I.

Of the motiues and reasons which perswade men in this age that Vsurie should be lawfull.

AS it is in the bodily eye, so is it proportionably in the minde: except the apple or sight of the eye be void of all colour in it selfe, it cannot possiblie receiue colours or iudge of them: but looketh as through a painted glasse, colouring euery obiect like it selfe. In like manner, though I were able to fill my booke, as *Iob* did his mouth, with arguments; and to make each argument a demonstration against vsurie: yet so long as such cloudie conceites doe hang in the braines of men, which cast a dye and tincture vpon the vnderstanding; all that can be said will not any way worke vpon them. Which imaginarie colours that they may the better be discerned, how they doe arise in mens mindes, and after may be more easily dispelled, I will place them in fiue seuerall rankes.

1 The first thing which offereth it selfe in these vsurious daies, is custome and example: which though it would not be admitted in Schoole for an Argument; yet it worketh admirablie vpon vulgar vnderstandings. For people being as

as *Labans* ſheepe, lead by the eye, doe conceiue as they ſee. Seeing Vſurie therefore ſo much practiſed of all ſorts; men are euen thereby without further examination much moued to thinke it lawfull. And the rather conſidering the qualitie of thoſe men who doe vſe it: who bee not onely earth-wormes and meere worldlings; but men of very good reſpect amongſt men, for their honeſt and vpright dealing; ſeeming very religious men, & zealous profeſſors of the Goſpell of Chriſt; whoſe tender conſciences will ſometimes riſe at a very ſmall offence. Now theſe lookers on do thinke themſelues bound in charitie to beleeue, that ſuch men as theſe would neuer venture their ſoules vpon this practiſe, had they not been well informed before, and fully reſolued by good Diuines. Let them who doe vſe it then be examined for their ground and warrant; you ſhall find that ſome of them haue reſolued themſelues out of their owne wit and iudgement. For albeit they dare not truſt themſelues with their owne bodies for phyſicke, (though happily they may haue ſome ſmackering of skill that way) neither dare they informe themſelues without their learned counſell at law, for their goods and eſtate: yet the eſtate of their owne ſoules they dare vndertake themſelues moſt confidently in matters of the greateſt difficultie and danger.

Others who be not ſo conceited of their owne diuinity, yet very willing to be perſwaded of the lawfulneſſe of that which is ſo profitable, doe take the very ſilence of ſome Miniſters for a reſolution; thinking as charitablie of vs for our ſilence, as others doe of them for their practiſe. For obſeruing how friendly wee conuerſe with them whom wee know to liue in that kind; how we receiue daily kindneſſes from them; how zealous ſome of vs ſeeme to be for the reformation of ſuch things as concerne them & their ſoules, either nothing at all, or nothing ſo much as this: hereupon they preſently reſolue; verily if Vſury were ſo damnable as ſome ſuppoſe; theſe good mē, our ſpecial friends, would neuer ſuffer our ſoules to ſleepe ſo ſecurely in ſuch danger.

Sometimes it may be they will moue the queſtion by the way amongſt other matters; and then ſhall you haue ſome pregnant-wit, after a little ſtudie vpon his trencher, returne a preſent reſolution to their mind: *That if it bee not Neſbet, he can ſee no reaſon why it may not bee allowed.* This Diuinity paſſeth frō table to table very currently, amongſt thoſe who very hartily wiſh it true. All this put together maketh one ſtrong motiue in the minds of the people, for the lawfulneſſe of Vſurie. Firſt, the cuſtome of it amongſt vs (which taketh away the ſenſe of ſinne;) and the generall practiſe of it, euen amongſt them of good note and reputation. Secondly, our ſluggiſh modeſty in being ouer ſilent, and the conniuencie of ſuch as are loth to diſturbe or diſpleaſe their friends. Laſt of all, thoſe *Echoes* and *quailpipes* amongſt vs, who catch friends by imitating their voice; returning anſweres anſwerable to their deſires. Theſe things (I ſay) will eaſily driue men forward into a good opinion and practiſe of Vſurie, who are ready to runne of themſelues.

2 A ſecond motiue ariſeth out of pitie and humane commiſeration towards ſome perſons, who haue ſtockes of money, but want skill or power to imploy the ſame. This affection was the firſt hatcher of an Vſurers apologie among exiles in time of perſecution: which now is alſo applied vnto *Orphans* and *Widowes* in time of peace. For were it not pitie that theſe ſhould ſpend their ſtockes and conſume them? Or that their ſtocks ſhould be expoſed by truſt to the prey of ſtrangers in theſe hungrie daies? Since God therefore hath giuen in charge ſo often in Scripture to prouide for the fatherleſſe and widowes; is it not a ſafe way by this meanes to allot them a certainty for the vſe of their moneyes, their principall being ſtill preſerued; they maintained by the intereſt; and the Common-weale to enioy both the moneyes of them who want skill, and the skill of them who want money?

3 As by theſe motiues they would perſwade; ſo in the third place they would bind vs by impoſing a neceſſitie of Vſurie

Vſurie vpon towne and city; as if traffique and trading could not poſſiblie be maintained without it. It is not poaring vpon a booke that can determine this queſtion. Alas (ſay they) can ſchollers, who bee hudwinckt, and brought vp within the walles of a Colledge, iudge of the ſtate of a Citie? Let theſe bookiſh Clerks ſcribble what they liſt, we Citizens doe know that vſurie is neceſſarie: and if it be neceſſarie, ſure it was neuer Gods meaning to forbid it ſimplie. * *The Commandements of God are not grieuous.* *. 1. Ioh. 5. 5.

4. After that theſe fantaſies bee once ſetled in mens braines: firſt, that cuſtome and the practiſe of good men muſt beget an apologie out of the charitable conceit of the vulgar: next, that that apologie muſt bee applied in pitie vnto certaine perſons, who haue moſt need to be relieued by it: and then, that which is permitted to ſome, is in time apprehended of all ſorts, as neceſſarie to whole incorporations; ſo that Vſurie now muſt bee lawfull, there is no remedie. Then in the fourth place, the wit of man muſt bee ſet on worke to ſpin out fine and ſubtill caſes of Vſurie, wherein there ſhall appeare nothing but iuſtice and charitie: no wrong or iniurie vnto any. And heere they wil put vs to it indeed: It is an eaſie matter to caſt a ſtone into a poole, which ſeuen wiſe men will hardly get out. How intricate caſes both in law and equitie are multiplied daily, it is too euident: and if they can find out but one caſe of Vſurie wherein enormity can hardly bee diſcerned; that one caſe will beget many caſes like vnto it ſelfe. For the wit of man will worke like a moale to get into the earth. If it bee lawfull in one caſe, it ſhall be lawfull in many: elſe that one caſe ſhall be euery mans caſe to ſerue for a cloake.

5 Laſt of all, when they haue wrought thus farre; ſome, becauſe they would excel, pretend proofe out of the ſacred text of Scripture it ſelfe. I ſpeake not of thoſe reuerend Diuines before mentioned; who, defending Vſurie, no Vſurie; doe onely mitigate and qualifie the rigour of the texts with ſome deuiſed diſtinctions. But there is a fellow of late time, who poſitiuely would proue Vſurie to be lawfull,

full, euen by the Scripture: wringing and wreſting the text as if it would looke ſomthing that way; but very ſtrangely. This paſſeth from hand to hand in writing only; for I hope he is aſhamed to print it, becauſe he is aſhamed of his name: whereby it ſeemeth if he be not able to bee an Vſurer himſelfe; yet hee would faine bee like vnto them in ſomwhat. Vnto theſe fiue heads we may eaſily referre what euer hath been ſaid with any colour, or may bee imagined in the defence of this ſinne. Our laſt endeauour then muſt be, to diſcouer theſe in order; which to a ſingle eye will eaſily manifeſt themſelues to be meere apparitions.

Chap. II.

An anſwere to the firſt motiue, taken from the common practiſe of Vſurie.

I Would not wiſh any ſo ſimple, as that the cuſtome of any thing in theſe daies ſhould moue him to thinke it lawfull. For if men ſhall degenerate as faſt the next age, as they haue done within memorie of man; wee ſhall haue a deluge of drunkenneſſe, and diuers enormities, not to be named amongſt Chriſtians. For the practiſe of the better ſort, if charity rule thy iudgement, as it was propounded in the motiue; then thinke in charity: firſt, that thou maieſt bee miſinformed concerning theſe men. For it may be they may deale by way of partnerſhip, or ſome other lawfull contract: and that theſe are drawne into the number, by ſuch as being themſelues downeright Vſurers, would win credit to their trade, by reputing others like themſelues.

Next, if it ſhall appeare in ſome to bee no falſe imputation, but too true (as I feare it is in too many) then the beſt couer we can make for them, is the ſame which charity it ſelfe made vpon the croſſe for thoſe grieuous ſinners:

Neſciunt

Neſciunt quid faciunt: They know not what they doe. For I verily perſwade my ſelfe in my ſoule, had ſome of them knowne how vnlawfull and dangerous a practiſe vſurie is, they would neuer haue ventured their ſoules vpon it. But as others are by their example, ſo were they by the example of others led into this common error. Vnto them therefore eſpecially let me addreſſe my ſpeech; beſeeching them euen as they tender their owne ſoules, to take notice how this kinde of ignorance will not excuſe, but rather condemne them, who haue ſo good meanes of better reſolution, if God would moue their hearts to ſeeke after it. Be well reſolued then, before you practiſe; leſt all turne vnto the greater ſinne. Truſt not your owne reſolution in this caſe; *Mamon* is ſubtill to beguile you. Therefore be as diligent to take counſell for your ſoules in religion, as you are for your bodies in phyſicke, and for your goods in law. Be as carefull to make choice of your counſell in the one, as in the other; and deſire no leſſe ſecuritie for your conſciences in this queſtion of vſurie, then you doe for your principall in the practiſe of it; and then will you reſpect both the abilitie and fidelitie of them with whom you deale. Abilitie of iudgement, that they be able to informe you; and fidelitie, to deale truly with your ſoules. Luk. 23. 34

Neither let our ſilence incourage any to practiſe this ſin. We would be glad that generall reprehenſions out of the pulpit might ſuffice. Wee are loth to take *Nathan* his office vpon vs, and ſay, * *Thou art the man*, except wee had ſome ſpeciall commiſſion, as he had: It is a thankleſſe office. Beſides, we take notice of thoſe crimes only which are written in mens foreheads, wee haue no warrant to examine your bookes of Accounts. Let the inquirie then come from your ſelues, giue vs incouragement to deale plainly, ſincerely and directly with your conſciences. If we be ouer ſoft and indulgent with you in that buſineſſe, take no aduantage therefrom to the hurt of your ſoules; men of the beſt profeſſion will be men, and not Angels. And for your better reſolution in this particular, let me obſerue vnto 2. Sam. 12. 7.

you, that vpon the beſt inquirie that I can make, I finde not any one Diuine, new or old, of what religion or ſect ſoeuer, who hath euer paſſed the preſſe in this point: not any Diuine, I ſay, (for *Molinæus* was a Ciuilian) who hath vndertaken to examine this queſtion: no not any of the ſuppoſed patrons of vſurie, who hath defended the ſame, as it is before defined, and commonly practiſed with the greateſt moderation, nine, eight, or ſeuen in the hundred. I did thinke at the firſt I ſhould haue found ſome; and ſome I haue found who doe coaſt ouer neere vpon it; and ſome who do giue ouer much libertie in that kinde. Yet not any of thē (let * *Bullinger* go, who writeth no whit to our purpoſe; but moſt confuſedly taketh & miſtaketh vſurie for all commerce, in rents, reuenewes, bargaine and ſale, merchandizing, &c.) not any, I ſay, who hath euer taken this queſtion in hand to ſift and examine it; but in concluſion (their cautions, and limitations by them added, being likewiſe ſifted and examined) their reſolution is ſtill contrarie to your ordinarie and moſt moderate practiſe. If any man therefore ſhall take you aſide, as *Peter* did Chriſt, to fauour your dealings in this kinde; ſuſpect that whiſpering to * *ſauour not the things that are of God, but the things that be of men.*

* *Decad.3. ſerm.1.*

* Matth.16. 23.24

Chap. III.

Anſwering the ſecond motiue for Orphans, Widowes, and old men paſt trading.

FRom example we paſſe to affection; which is as blinde and peruerſe in iudgement, as the other is powerfull to leade into error: the affection of pity and compaſſion, which of all others doth preuaile moſt euen amōg the better ſort; becauſe it ſeemeth to ariſe out of charitie. But charitie is no charitie if it oppoſe iuſtice. It is both a fooliſh and cruell pitie, which ſo tendreth the outward eſtate

eſtate of any, to the hurt and preiudice of the ſoule. If vſurie (ſay they) be not lawfull for any to practiſe, alas what ſhall become of thoſe *Orphans* and *Widowes* in theſe vniuſt daies, which haue ſtocks of money left vnto them, and want skill to employ the ſame? What ſhall become of them? By the helpe of God they may doe well. My greater care is, what ſhall become of thoſe *Orphans* and *Widowes* in theſe vncharitable daies, which haue no ſtocks at all left vnto them: though I confeſſe both the one and the other are alike in this; that they be not ſo able to help themſelues as others be. Therefore there bee no two eſtates amongſt men, ouer whom God hath a more prouident and tender care, then ouer widowes and fatherleſſe children. He hath prouided for them by a ſpeciall law: [a] *Thou ſhalt not trouble any widow, or fatherleſſe childe.* His iudgements lie heauie vpon the tranſgreſſors of that law. [b] *If thou vex or trouble ſuch, then my wrath ſhall be kindled, and I will kill you with the ſword, and your wiues ſhall be widowes, and your children fatherleſſe.* No one law more iterated by [c] *Moſes*, and frequently vrged by the Prophets, then this for the ſafegard of Orphans and widowes. Whom if mortall men ſhall neglect, God himſelfe in his fatherly prouidence will bee their protector. [d] *He is a father of the fatherleſſe, and iudge of the widow, euen God in his holy habitation.* Yea God would worke a miracle, rather then the poore widow of the ſonne of the Prophets, with her two fatherleſſe children, ſhould want. The Sonne of God ſheweth the like tender affection in denouncing a woe againſt ſuch as [e] *deuoured widowes houſes.* And his [f] Apoſtle *Iames* meaſureth *pure religion and vndefiled before God euen the father*, by charitie towards the fatherleſſe and widowes.

Hath God then ſo many waies bound himſelfe by promiſe to prouide for widowes and Orphans; and ſhall theſe by vſurie withdraw themſelues out of his fatherly prouidence? Shall theſe be ſecured by vſurious contracts againſt the act of God himſelfe? Verily God will take it more vnkindly at their hands, then at any other. See the difference

[a] Exod.22.22.
[b] Verſ.23.24.
[c] Deut.10.18. Cap.14.29 Cap.18.11 14. Cap.24.17 20.
[d] Pſal.94.6 Pſal.146.9. Eſa.1.17. 23.
[e] Cap.10.2. Ierc.5.28. Cap.7.6. Cap.22.2. Zach.7.10. Mal.3.5. 2.King.4.
[f] Mat.23.14.
[f] Iam.1.27.

in this point betwixt the wisedome of the world, and of God. The world thinketh vsurie the best and the safest way for Orphans and widowes; because it doth secure them most from all casualties, which might fall vpon their stocks and estates, by any act either of God or man. The wisedome of God contrariwise is, that these persons should most of al cast their care vpon God; because he careth most of all for them. But of all practises vsurie doth most withdraw them from dependance vpon Gods fatherly prouidence, which best beseemeth their condition. If vsurie then be a thing vnlawfull, in case of Orphans it is most vnlawfull. And vndoubtedly if Almightie God in wisedome had thought it meete to haue tolerated vsurie in these persons, he might as easily haue mentioned the same, as [a] he doth the toleration of lending to strangers. But it was so farre from Gods meaning, that in the very same [b] place where hee maketh a law for the safegard of Orphans and widowes, presently and [c] immediatly vpon it, is annexed the law against vsurie. Shal these then who are so well prouided for, by a speciall law of God, be transgressors of the very next law vnto it? God forbid. Let them not come neere vnto that transgression of all other; let not them of all others come neere vnto it.

[a] Deut. 23 19.

[b] Exod. 22. 22. 23. 24.

[c] Vers. 25.

Orphans are comming into the world; widowes, who intend so to continue, are going out of the world; and shall these two Ages, which of all others ought to be most holie and heauenlie; the one for innocencie, and the other for deuotion, be stained with vsurie? Christ is *Alpha* and *Omega* vnto vs, the *first* and the *last*, the *beginning* and the *end*; and shal the *alpha* of our nonage, and the *omega* of our dotage be dedicated vnto vsurie?

1. Christ calleth himselfe by the name of a letter, the first letter in the *Alphaber*, that children might learne Christ so soone as they be able to know their letters; and shall wee suffer our children to bee died in the wooll of their infancie, with the scarlet sinne of vsurie? The [a] spirit of Adoption teacheth vs, to crie *Abba father*. Abba is

[a] Rom. 8. 15

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the [b] firſt word that children can naturally pronounce, as if God delighted to bee called Father in the childs language. Shall earthly fathers then prouide no otherwiſe for their babes ſo deerely beloued of God, but by the contagious ſinne of Vſurie? Stampe garlicke in a new morter, and it will ſmell of it euer after: giue the diuell poſſeſſion of a child, and he will be hardly remoued with great difficultie. For when the [a] Diſciples of Chriſt could not caſt him out, when Chriſt himſelfe ſaw with what extremitie hee came forth; with what *wallowing, foming*, and *renting* of the poſſeſſed; he demanded how long that had happened vnto him: Anſwere was made; *of a child*. Bee it farre from parents and gouernours to giue Satan ſuch aduantage ouer innocents; as to feed and nouriſh them; to maintaine and bring them vp by the increaſe of Vſurie.

2 I write vnto you widowes, who profeſſe your ſelues now in your latter age to leaue the world, and betake your ſelues to God; to be ſo married vnto your onely husband Chriſt, as that you may quietly and peaceablie ſay your prayers; heare Sermons; reade your Bibles; and liue vpon Vſurie: tell vs in the name of God, where haue you learned thus to ioyne *God* and *Mamon* together. Looke into thoſe *Bibles* which you reade; euen that which carieth the name of *Geneua*; which tranſlation in reſpect of the place ſhould ſeeme moſt to fauour you in this point: there haue you all the termes: [a] *Vſurie*; [b] *Intereſt*; [c] *Increaſe*; [d] *any increaſe*, diſtinctly expreſſed; yet not any of them in any place mentioned, but vtterly condemned, abſolutely forbidden amongſt the people of God, without any diſtinction, difference, toleration, or qualification at all: Looke into your owne eſtate and condition. I will ſuppoſe that your husbands in their life time did themſelues imploy their ſtocks in honeſt and lawful trading, ſubmitting themſelues to all lawfull aduentures: ſomtimes enduring great loſſe with patience; ſomtimes gaining much, as it pleaſed God to bleſſe them. Since their deceaſe during the time of your widowhood, by this trade of Vſurie, diuers of you haue attained

[b] *Bucer. in Rom. 8. verſ. 15. Abba Pater, & libenter audiunt patres, & pueri primùm ſonare diſcunt.*

[a] Mark. 9. 20.

[a] Exod. 22. 25.
[b] Prou. 28. 8.
[c] Ezec. 18. 13.
[d] Verſ. 8.

tained vnto farre greater wealth then your husbands themſelues euer could. This you cannot denie to bee moſt true. Your anſwere is, you doe thanke God for it, it is his bleſſing: whereof I do make great doubt; and ſo would I wiſh you to doe. Is it not ſtrange that a ſillie woman not able to manage her owne eſtate, depriued of her honeſt and wiſe guide and head, ſhould thriue better, with greater eaſe and ſecurity, then her husband with the ſame or better meanes euer could? If this came by any extraordinarie bleſſing of God vpon you; I would lift my hands to heauen with you, praiſing God in his wonderfull works. But if it be knowne to come by the ordinarie trade of Vſurie; I would ſuſpect that not to be of God: for God hath ordained your widowhood in reſpect of your former eſtate, to bee an eſtate of humiliation, for the outward condition of this life. But contrary to this ordinance of God, you can make it, by the practiſe of Vſurie, to be an eſtate of exaltation: for whereas in your husband his daies, your ſtocke by his honeſt and painefull negotiation, was ſubiect vnto manifold perils; and by perill vnto great and daily loſſes: your widowes vocation can prouide by ſufficient bonds againſt all theſe, with great increaſe of gaine: bonds ſo ſufficient and abſolute, that vnleſſe God diſſolue them beyond all expectation (as ſomtimes he doth) your reſolute purpoſe is, to be ſecured againſt any act both of God and man.

Giue me leaue to deale plainely with you, and to vſe the [a] *Samaritans* ſharpe wine as well as oyle for the ſcouring and curing of this wound. Looke vnto your charge, whom God hath made Stewards of your ſtocke of money. It is you who ſtand anſwerable before God for the vſe or abuſe of ſuch ſummes as you put forth into the hands of others: where you gaine ten in the hundreth, they muſt gain twentie cleere, beſides many charges and duties to bee paid out of their gaine. How doe you ſilly women know who is oppreſſed or bitten by ſuch gaine? You will ſay that you commit it into the hands of ſuch as you hope to be honeſt conſcionable men: for they keepe touch, and *pay you your money.*

[a] Luk. 10. 34.

money: They be neither ingroſſers, nor foreſtallers, nor oppreſſors, nor vnreaſonable gainers; but honeſt and religious men: for they deale honeſtly, and *pay you your money*. Tell me then, if they be ſuch honeſt conſcionable men that you deale withall, why dare you not truſt them to imploy your money for you by way of partnerſhip; allowing them a proportion of gaine for their skill and care, and bearing anſwerably part of the loſſe? Dare you truſt them with your ſoule, in that wherein your ſelues ſtand anſwerable vnto God; and not with the vſe of your goods for your owne profit? I beſeech you meditate ſeriouſly vpon theſe things, which are ſenſible; let the tenderneſſe of your ſexe worke vnto a remorſe in this point; take it to heart; bee troubled in conſcience for this ſinne: * Let the worme bite here, that it may die elſewhere.

If you ſhould bee troubled, I imagine preſently what comfort ſhall bee applied. Your children, kinsfolkes, or friends who haue aduiſed you to this trade (wherein you haue not been well aduiſed) will bid you ſend for ſuch or ſuch, who be reuerend and graue Diuines; ſuch as loue you wel. Be it ſo then; euen vnto thoſe reuerend and graue Diuines dare I appeale for your caſe: conferre with them; deſire them to deale plainely with your ſoule; to ſearch the wound to the bottome; and I make no doubt, but they wil tell you: Firſt, that the text of Scripture is directly againſt you: Next, that thoſe diſtinctions and interpretations which ſeeme to qualifie the matter, are but the comments of ſome few learned men, who differ from the reſt, and among themſelues; according to the variety of their ſeuerall apprehenſions. Laſtly, they can tell you, that euen thoſe Diuines who ſeeme moſt of all to fauour you; their cautions and limitations being added, doe all of them conclude directly againſt that which you practiſe.

And if there bee any who ſhall vſe nothing but oyle to heale vp your preſent griefe, and draw a skin ouer it, with ſuch indulgent toleration of *Intereſt* as you deſire; in the name of God take heed of ſuch; ſuppoſe them to be *ſowers* of

* *Mordeat hic vt moriatur illic. Bern.*

of Pillowes. It is dangerous to relie vpon them, who giue moſt liberty in the matters of deceitfull *mamon.*

3 I write vnto you old men, who decaying in the powers of mind and body, are forced to leaue your trade, and doe aske what you ſhall doe; who hauing got ſome money together in a lawfull calling, are not able to follow it any longer? Doe you aske Diuines what you ſhall doe for the world? We muſt aske that counſell of you; we can tell what you muſt not doe. Is there no fruit in the garden, but onely the forbidden fruit? Haue you ſpent your ſtrength and worne your ſenſes, to liue at eaſe without labour when you are old; and haue you not taken ſome care for the eaſe of conſcience, how to liue without ſin when you are old? Will you intangle your ſoules with the practiſe of Vſurie, when you haue one foot in the graue? Hath God bleſſed your labours in youth; and will you forſake him in age? Will you pollute your ſoules with filthie lucre, when you ſhould be moſt conſecrated to deuotion?

Luk. 16. 1. Euery man in his calling is a Steward; the decay of ſenſes and memorie is an admonition that hee muſt giue ouer his Stewardſhip. Then he conſulteth with himſelfe what to do. [a] *Fodere neſcio, mendicare erubeſco:* Take paines he cannot, thoſe daies bee paſt; to ſpend vpon the ſtocke will bring him to beggerie: at the laſt he concludes: [b] *I know what I will doe*; that I may turne an hundred into an hundred and ten. Verily I commend ſuch a man as our Sauiour commended the vniuſt Steward, [c] *becauſe he hath done wiſely:* wiſely, in making choice of ſo eaſie and ſecure a gaine, fit for his age: of ſo great and certaine gaine, fit for ſuch ſeniors, who bee *attentiores ad rem*; [d] *for the children of this world be wiſer in their generations, then the children of light:* wiſer then the *Patriarchs* and *Prophets* of the old Teſtament: wiſer then the *Apoſtles* and *Euangeliſts* of the new Teſtament: Wiſer then the *Fathers* and *Councels* of ſucceeding ages: wiſer then any of the Saints of God that liued in former times: for wee cannot reade of any of them who had the wit, either to practiſe Vſurie themſelues; or by any

[a] Verſ. 3.
[b] Verſ. 4.
[c] Verſ. 8.
[d] Verſ. 8.

any diſtinction to approoue of it, or finde it lawfull in others.

CHAP. IIII.

Anſwering the ſuppoſed neceſſitie of Vſurie.

NEceſſitie is lawleſſe. If Vſurers therefore can put on that coate, it will bee armour of proofe againſt all proofe by argument; againſt all ſtatute and law both of God and man. They doe pretend that the ſtate of the Citie cannot ſtand; that traffick cannot be maintained; that tradeſmen cannot liue without it. Then verily it was neuer Gods meaning to lay ſo heauie a yoake vpon his people in forbidding that which is ſo neceſſarie. The right putting of the caſe will giue great light to the cleering of the point: whereof there be three branches.

1 I demaund firſt of thoſe tradeſmen, who cannot liue in their trade without taking vp at intereſt: Is their meaning that they cannot liue in that faſhion as they doe; maintaine their wiues in thoſe faſhions that they doe; driue their trades to that height which they doe? If this be the caſe, the anſwere is eaſie: It may bee God would not haue them carrie ſo great a ſaile as they doe, but to *drinke of the waters of their owne well*, and content themſelues with ſuch meanes as Gods fatherly prouidence doth offer them; there is no neceſſitie for a man to inrich himſelfe by ſuch practiſes, as be either forbidden or doubtfull. *Better is a little with the feare of the Lord, then great treaſure with trouble*; trouble of conſcience at the houre of death. Thus farre wee doe agree. Whoſoeuer laieth this for his ground, that *He will be rich*, muſt inſnare his conſcience with many neceſſarie euils, whereof vſurie is one. Neceſſarie, I ſay, not to a religious honeſt man, who is content with his eſtate; but to him who reſolueth *he will be rich*: for *they that will be rich* (ſaith the Apoſtle) *fall into temptations and ſnares, which drowne men in perdition and deſtruction.*

Prou.5.15.

Prou.15.16

1.Tim.6.9

2 If it bee propounded, that trade and commerce betweene man and man cannot bee maintained in this Citie without borrowing and lending; that also is granted: ἀπὸ τῆς κοινῆς πολιτείας, καὶ τῆς μετ' ἀλλήλων ἀναστροφῆς ἀναγκαῖον: *Common societie and mutuall conuersation* (saith S. *Basil*) *doth require it of necessitie.* Gods law did euer intend that men should lend one to another; in charitie to the poore; in friendship to their equals, to receiue the like courtesie againe. Which dutie if men would performe, there were no necessitie of vsurie.

Luk.6.13. τοῦ ἴσου.

3 The third point then followeth. Presupposing the custome and corruption of these times wherein men will not lend freely as they ought; is there not a necessitie of vsurie? Admit that be granted; who did impose this necessitie? If God; then is this reason good, *Vsurie is necessarie, therefore lawfull.* But if men or estates haue drawne a necessitie of sinning vpon themselues by the custome of sinne; doth this extenuate or aggrauate the fault? *Woe be vnto them* (saith the Prophet *Esay*) *who draw sinne, as with cart-ropes.* Cities and Incorporations haue drawne a necessitie of this sinne vpon themselues by three strong cart-ropes of iniquitie. First, the hardnes of mens hearts, and want of charitie in those who be well able to lend and will not, haue forced many to pay vsurie. Secondly, the couetous desire and pride of borrowers, who out of an insatiable appetite to compasse great matters, doe take vp great summes of money, for money; that no money is to bee spared for such as bee true borrowers indeede. *Woe vnto them that ioyne land to land, till there be no place for the poore to dwell in.* That is the Countrie woe. But vpon the same ground, it is inferred: *Woe vnto them who ioyne money to money, till there be none left for the poore to borrow.* This is the Citie woe; which bringeth a necessitie of borrowing vpon interest. Thirdly, falsehood and deceit in defrauding one another of their monies at the times appointed, so as being disappointed of their owne, they are compelled to take vp of others, or to shut vp their doores. These three fold cart-ropes, not easily broken, haue drawne a necessitie of vsurie vpon Cities. And

Esa.5.18.

Esa.5.8.

shall

ſhall it therefore be reputed no ſinne? God forbid: It is no good conſequence neither in perſons nor eſtates.

Not in perſons. S. *Paul* telleth vs of *an heart that cannot repent, which heapeth vnto it ſelfe wrath againſt the day of wrath.* Is impenitencie in that heart no ſinne, becauſe cuſtome hath made it neceſſarie? Rom. 2.5.

A drunkard hath brought his bodie into ſuch an habite, that vnleſſe hee drinke bountifully, euen to the turning of his braine, he is ſick againe. Is not drunkennes in that perſon ſinfull, becauſe ſo neceſſarie? A proud woman hath bin wedded ſo long vnto her will, that if ſhe be croſſed in it, ſhe will goe mad for pride, like *Nebuchadnezar*; or die of moodines, like a weeſell in a cage. Shall her wilfulneſſe be excuſed, becauſe her diuelliſh ſtomack is growne too ſtrong for her wit?

The time was when amongſt the borderers, to liue vpon robbing and the ſpoile of their neighbours was a common trade: ſo as ſtealing was thought to be no ſinne: but the 8. Commandement by them was deemed to be of King *Henry* his putting in. Their reaſon was, for becauſe that practiſe was ſo generall and ſo vſuall, as hee who made ſcruple to doe therein as others did, was himſelfe made a pray vnto others. It muſt needs bee granted, that the neceſſitie of ſtealing amongſt them, was greater by many degrees, then the neceſſitie of vſurie can bee in any Countrie or Citie whatſoeuer. And yet I make no queſtion, but if the greateſt Vſurer in the land had been Iudge amongſt them, he would euen then haue condemned their theft, to bee againſt the law both of God and man: and condemned them alſo for making themſelues ſuch ſlaues vnto that ſinne by their barbarous and vnciuill practiſes. I haue learned better manners then to compare our Vſurers with thoſe borderers: For our vſurie, without compariſon, is a farre more ciuill and mannerly theft then theirs euer was. Only my deſire is, that they would be pleaſed to take notice of the weakneſſe of this argument: that we muſt therefore needs allow of vſurie, becauſe they haue made it neceſſarie. That they would

leaue those questions, *What shall we doe in this, and that, and the other case?* As if a good honest borderer being bred and borne amongst them, should complaine; alas what should I doe! all my goods and cattell are carried and driuen away in one night, I wot not whither; I must either shift for my self, as the fashion is, or run my countrie, or starue at home. I hope in God this argument will neuer be so strong for vsurie amongst vs, as it hath been for theft amongst them: God forbid it should And yet theft and robberie hath euer been a great sinne, euen where it hath been most necessarie.

"j" In conclusion, that wee may not depriue necessitie of her right; she hath power to excuse the borrower, if she be vrgent vpon him and cannot be preuented. The borrower, I say, may lawfully giue vsurie, where inculpable occasion shall inforce an inuincible necessitie. If hee borrow not to gaine by borrowing, but to preuent a greater losse: If other lawfull meanes be wanting, either for the preseruation of his credit and estate; or for the supplie of present wants, either of nature or person: If these occasions bee imposed

" and not drawne vpon him, by some former negligence or default: If he attempt to borrow no more then he shall be able to repay at the time; and if vpon such occasions hee cannot borrow freely, then is he no agent in the sinne, but a meere patient in the oppression of vsurie. But in case he may borrow freely, and will not, out of a scornefull desire not to be beholding; or will disable himself by couenants, which he is no waies able to performe; or relieue himselfe by grating vpon others for excessiue gaine; or pull these snares vpon himselfe, either by liuing at too high a rate, or

" by improuident imploying of his stock, without reseruing a due proportion to defray charges and pay duties: in these cases euen the borrower himselfe may stand guiltie as accessarie to this sinne. And well is hee who can manage his

" estate with that prouident moderation, as hee may say with the Prophet *Ieremie*, as we reade, chap. 15. 16. *I haue neither*

" *lent vpon vsurie, nor men haue lent to me vpon vsurie.* But for the lender, which is the Vsurer, there is no colour or pretence

tence of any ſuch neceſſitie, which can befall him; ſeeing he hath authoritie from God as Steward of his bleſſings; and power amongſt men as owner of his money; for varietie of lawfull and vndoubted imployments.

Chap. V.

Of ſuch caſes as ſeeme vſurious, without appearance of iniquitie, or breach of charitie.

HE that turneth himſelfe into an angell of light, can ſet ſo faire a gloſſe vpon a worke of darknes, that the iniquitie of it will hardly be diſcerned. He can ſo cunningly twiſt good and euill together, that the appearance of vſurie ſhall be preſented without ſhew of vniuſtice. Theſe ſubtill ſleights do rather exerciſe the wit in vnfolding of them, then conuince a iudicious vnderſtanding; that vſury ſhould therefore be lawfull, becauſe ſome caſes be intricate. Be not all *Courts* of iuſtice and equitie full of ſuch difficulties, where after long pleading and much debating, the wrong and vniuſtice is hardly diſcouered? He that ſhall heare our learned at the Law vpon the *Statute of Vſurie*, at their Readings, or otherwiſe, put and argue caſes; what is within the meaning of the ſtatute, and what not; will neuer maruell at the cloſe conueiance of vniuſtice in the cunning practiſes of this age. And may not the like *Quæries* be put what is within the meaning of the receiued definition of vſurie? Admit you may puzzle vs with ſome Caſes ſo cunningly contriued, wherein we can finde no difference either in Iuſtice or Charitie from other lawfull contracts: It may be our bluntnes, who cannot pierce a hard caſe; or if no exception can be taken, wee ſhall parallel it with another *quære*, whether it be within the definition of vſurie before

expreſſed or not? So that vpon the matter, if it appeare iuſt and lawfull, it ſhall not appeare vſurious. It may happily border and coaſt vpon Vſurie; yet our concluſion ſhall ſtill remaine intire: That *Vſurie properly ſo called is ſimply vnlawfull.*

For our better direction amongſt theſe difficulties, I will propound three rules; which being applied vnto particular caſes, may inlighten vs for the vnfolding of the ſame.

1 Firſt, *That which is good and lawfull, muſt bee intire.* A little enormitie doth peruert the whole action, as *leuen ſowreth the lumpe.* I ſpeake not of ſuch infirmities which humaine frailtie doth caſt vpon our deeds; for ſo our beſt actions be vnperfect: but all the ingrediences which be eſſentiall, muſt bee iuſt and lawfull, elſe the act it ſelfe is not iuſtifiable. It is in morality, as in Logicke, *the concluſion followeth the worſt part.* If the leaſt part of iniquitie appeare in any action morall, we thence conclude that action to be vnlawfull.

1.Cor.5.6.

My neighbour is ready to forfeit his land, being morgaged to a mercileſſe man, who gapeth for a prey: I lend him an hundred pound for a yeer to redeem the ſame land, being of triple value: I couenant with him for ſo much intereſt as I am like to bee damnified for want of my money. Heere is iuſtice and mercy met together. I in mercy haue relieued my neighbour in his diſtreſſe; hee in equitie doth ſaue me harmeleſſe: no man receiueth wrong; neither is the common-wealth any waies preiudiced: The borrower onely is redeemed from the mouth of the Lion: and though I take nine or ten pound intereſt of him, it is but as the opening of a veine to ſtench a greater fluxe, by turning the courſe of blood: wherein it is a ſoueraign thing to part with a little good blood, to preuent a greater miſchiefe.

In this caſe all circumſtances conſidered, there ſeemeth to be that ἰσότης, or equalitie, which the Apoſtle maketh the ground both of [a] *Iuſtice*, and [b] *Charity*. But there is one enormitie which marreth all the reſt; in that a worke of charity is brought to the market, and ſet at a price; then which

[a] Col.4.1.
[b] 2.Cor. 8.14.

which there is nothing more offenſiue or oppoſite to the nature of charity; which will haue all her deeds to be moſt free. To expell one poyſon with another, or to preuent a greater euill by a leſſe, holdeth well in phyſicke: But in Diuinity *we muſt not doe euill, either that good may come of it*, or that euill may be preuented by it. *In peccatis error facit dilemma:* It is an erroneous conceit to imagine that one euill cannot be auoided but by committing of an other. But if thou lend thy neighbor for his reliefe in this caſe, it may be thou ſhalt be damnified, for want of thy money, more then thy eſtate can well beare. Be it ſo: yet for all that, make no abſolute couenant for intereſt vpon what *may be*; for it may be God will pay thy intereſt ſome other way within the reuolution of that yeere. If not: yet as thy damage being future is caſual; ſo let thy couenant be conditional: *If thou be thus or thus damnified, that then ſuch or ſuch ſatisfaction be made.* This is equall and iuſt intereſt, but no Vſurie.

The portion of an Orphan is put into the hands of a Company or Corporation: the principall is fully ſecured: the child brought vp and maintained by the intereſt: That intereſt ſo eaſie as none hath iuſt cauſe to complaine of biting: many ſutors for the imployment of ſuch ſtockes: A cuſtome maintained by the indulgence of the ſtatute: the onely Vſurie which our law doth leaue vnpuniſhed: what vniuſtice then can there bee imputed to this practiſe? Or what offence is it either to God or man? Verily I muſt greatly commend your wiſdome and prouidence in taking ſuch a fatherly care for Orphans in ſo peruerſe and crooked a generation. I muſt likewiſe moſt willingly ſubſcribe to the graue moderation of our law, which hath paſſed ouer this practiſe of *Townes* and *Cities*, and let it alone: (for a toleration is all that from the law can bee inferred.) Notwithſtanding by your gentle patience, when the beſt is made of it that can be, there is one thing in this which poiſoneth all. You haue ſo diſpoſed of Orphans goods by this order, that they be in farre better condition for their eſtate, then they could haue been by the painfull labors and honeſt

neſt indeuours of their moſt wiſe and prouident Fathers, if they had been liuing; in whoſe hands their portion had then been ſubiect to negotiation, by that vnto perill; by perill to decay: this you hold to be a great vertue. Indeed it is too great for a vertue, which muſt euer hold a meane.

That order and practiſe which maketh Orphans no Orphans, by yeelding them a greater ſecuritie of principall and certaintie of gaine, then God hath ordained, muſt needs be a thing inordinate in it ſelfe. And, which is worſe, by this meanes Almightie God is turned out of office, by ſecuring Orphans, euen againſt the act of God himſelfe, who would be a father of the fatherleſſe. For this Vſurie hath prouided a farre better fatherhood and more ſecure protection vpon earth for fatherleſſe children, then their owne naturall fathers by their beſt induſtrie, could haue bleſſed them withal. Let the goods of an Orphan, on Gods name, by your faithfull adminiſtration, be of equall condition in the hand of a Company or Corporation, as it ſhould haue been in the hand of a faithfull father: and this ſufficeth, vnleſſe it proceed out of your free bountie; elſe whatwhatſoeuer is more then this, by way of adminiſtration, commeth of euill. This I write out of preciſe truth; leauing this your practiſe within the rule of *toleranda, non probanda.* Let vs then eſteeme of it as a thing tolerable, yet with the acknowledgement of ſome blemiſh.

2 Our ſecond rule is, *that the poyſon of Vſurie is in ſome contracts ſo cloſely and cunningly conueyed, as the very turne of the intention of the mind may alter the caſe, to make it iuſt or vniuſt, the contract remaining one and the ſame.*

If the eye then be ſingle, and the intention right, that which formally is vſurious, vpon the matter may in iuſtice be equiualent to a lawfull contract. If the intention looke awry, that which in forme is lawfull, may in matter bee a paliat or cloaked Vſurie.

For A. to lend vnto B. an hundred pound for ten yeeres, the principall to be repayed yeerely by ten pound, and ten pound ouer and aboue to be giuen for the vſe; this is plaine

Vſurie

Vſurie within the ſtatute. Therefore to preuent that ſtatute, and to auoide this practiſe of an Vſurer, A. doth purchaſe of the ſaid B. an annuall rent of twentie pound, for ten yeeres, with the ſame hundred pound. This is bargaine and ſale; yet vpon the matter the very ſame vnder another forme of couenant: the very intention maketh it Vſurie; inſomuch as if the intent could be diſcouered, by any precedent communication of borrowing, or other pregnant circumſtances, ths law would bring it within compaſſe of the ſtatute for paliate or cloaked Vſury. But if ſimply without any pretence ſuch annuity of rent be bought and ſold, we cannot condemne it for Vſurie. Howbeit, if it be an vnreaſonable bargaine, or be iniurious vnto any by circumſtances, it may bee a breach of iuſtice and charitie in an other kind.

A man buyeth a piece of land at a reaſonable rate for ready money; couenanting that in caſe hee ſhall repent of his purchaſe within one yeere after the payment of the money, that then at the yeeres end it ſhall be at his choice, either to retaine the land and continue his bargaine, or to haue that intire ſumme repaid backe againe, which he gaue for the land; and ſo the bargaine to be void. This caſe lieth ſo indifferent betweene an vſurious and a lawfull contract, that the very ſecret purpoſe and intention of the buyer doth alter it. For if the buyer had a ſimple intent to purchaſe the land indeed; yet deſirous to reſerue a liberty to himſelfe, by one yeeres triall of his bargaine; and though at the yeeres end he ſhall take his money againe, for ſome inconuenience found, which before was not perceiued; or becauſe in the meane time hee hath met with ſome other bargaine fitter for him; this is neither Vſurie, nor vſurious. But if this buyer hauing this ſumme of money, which preſently he cannot put to Vſurie, with ſo good ſecuritie as he would; doth therefore make this purchaſe but a colour, neuer intending to continue his bargaine, but onely to keepe the land as a pawne for his principall; and to receiue that yeeres rent for the vſe; this very intention maketh it groſſe

Vſurie; and ſo altereth the caſe: the contract in words and in writing remaining one and the ſame.

3 Our third rule is: *That hee who deliuereth a ſumme of money for a time, for ſome ſpeciall deſignement couenanted and agreed vpon, declineth the nature of that loane, which in the deſinition is properly called mutuation.* For in mutuation the money is ſo lent, that the propertie is wholly paſſed ouer to the borrower. But when it is lent onely for ſuch an imployment, the gaine whereof ſhall redound aſwell to the lender as the borrower; herein the lender doth reſerue vnto himſelfe ſome propertie in the money ſo lent, euen during the time of the loane. Which kind of loane doth bend the couenant ſomwhat from the nature of Vſurie, towards the contract of partnerſhip: whereupon ſome couenants ſeeming vſurious, yet withall appearing iuſt and equal, are great inducements to make ſome men thinke that all Vſury is not ſimplie vnlawfull. Whereof inſtance may be giuen in ſuch and ſuch caſes: whereas indeed vpon due examination it may appeare, that as ſuch contracts doe begin to bee iuſtifiable; ſo doe they likewiſe decline the nature of Vſurie, in ſome part of the definition before expreſſed.

A moneyed man lendeth to his monileſſe friend an hundred pound, not to vſe at his pleaſure, but to purchaſe ſuch a leaſe for ten yeeres, which yeeldeth twentie foure pound of yeerely rent: couenanting with the borrower for nine pound a yeere parcell of the ſaid rent, and for the payment of the principall, being likewiſe raiſed out of the ſaid yeerly rent at the end of ten yeeres. Now what can there bee in this contract againſt any rule either of iuſtice or charitie? The purchaſe is reaſonable; the intereſt redounding to the lender is a reaſonable portion of the borrowers gaine; the borrower hath ten pound yeerely comming in, which in ten yeeres maketh vp the principall; he hath likewiſe the vſe of that yeerely rent of ten pound freely for ten yeeres, and fiue pound certaine rent ouerplus of cleere gaine. This ſeemeth to bee Vſurie, for that it paſſeth vnder the vſuall termes of lending and borrowing. But vpon the matter it is

rather

rather a contract of *ſocietie* or *partnerſhip*, for that the proper obiect of vſurie *mutuum*, doth here ceaſe. For a ſumme of money ſo deliuered, is not properly lent: for that the lender continueth in part the owner of the money, reſerning ſome power and intereſt in the vſe of the ſame. In theſe and ſuch like couenants, if there bee any malignitie in the nature, or ſcandall in the forme; it proceedeth of vſurie. If any colour of equitie and iuſtice; it borroweth that from ſome honeſt and lawfull contract.

But let *euerie bird take his owne feather*, euery neighbour contract reſume that which is proper and peculiar to it ſelf, that the nakednes of vſurie might appeare by it ſelf; I make little queſtion but the malignitie & deformitie of it would eaſily be perceiued. For ſo farre as theſe mixt contracts doe put on the habit of honeſtie, they doe withall relinquiſh and put off the nature of vſurie.

Theſe caſes I haue only propounded, to ſhew that as any vſurious contract doth approch vnto equitie; ſo farre forth it doth likewiſe decline the nature of vſurie, and bend it ſelf towards ſome lawfull and honeſt couenant, which doth only coaſt vpon it. All which doth ſtill fortifie the maine concluſion, *That vſurie properly ſo called, is ſimply vnlawfull*; and that there is ſtill ſome malignant qualitie in the very nature of it: which together with vſurie, according to the ſeuerall degrees thereof, will diſcouer it ſelfe.

Chap. VI.

Anſwering ſome reaſons and wreſtings of Scripture for Vſurie.

THis Chapter is chiefly to be bent againſt the author of an Engliſh Treatiſe, who in this kinde of argument is ſingular by himſelfe. Wherein I ſhall make the more ſpeed, becauſe he hath been heretofore worthily refuted, ſo much of him as was thought worthie the rehearſing. If any therefore

By Doctor *Downham* in Pſal. 15.

who hath ſeene that manuſcript, bee in loue with his long diſcourſe of *Maſhah* and *Naſhah*, and other vagrant conceits, I referre him for his better ſatisfaction to the ſaid * Anſwere.

*Pag.197. &c. p.277.&c. p.282.&c. p 284.&c. p.289.&c. from 291. vnto 309.

That which moſt did trouble me in the peruſing of the ſaid diſcourſe, was the number of reaſons prouing the lawfulnes of vſurie: for I told 32. numbred together in one place by figures in the margent; beſides diuers others ſcattered out of order in other places. And verily if arguments might paſſe by number and not by weight, I ſhould haue been much diſmaied. But vpon examination I was bold, for being tedious, to reckon them as they doe ſiphers in the practiſe of addition, *nought, nought, and nought* is *nought*; for 25. of thoſe 32. reaſons doe inferre theſe concluſions following.

That increaſe is lawfull: and that a man ought not to let his money take ruſt. That he needeth not to lend freelie to him who hath no neede to borrow; becauſe that were to powre water into the Sea. That a iuſt recompence is due for the ſatisfaction of wrong: as if a man falſifie his word to my hindrance; if hee withhold my money againſt my will to my loſſe and his gaine; if he delay payment beyond the time limited, ſo as I am forced to take vp attenne in the hundred; if I ſtand bound for a friend for principall and intereſt, he faileth and I pay it; if a father in law withhold his daughters portion to their preiudice; that in theſe caſes ſome recompence is due. That the purchaſe of a feeſimple, or of an Annuitie for liues, is lawfull. That partnerſhip is not to be miſliked. That a rich man ought not to increaſe his wealth by a poore mans money; nor the tutor by the orphans ſtocke, without ſome conſideration. That a man pleaſured by the loane of money, ought to be thankfull. That a Miller may require a Bakers cuſtome for lending him ſummes of money, &c.

Herein the author hath taken great paines to belabour his owne ſhadow: for I know none who maketh any queſtion of the lawfulnes of theſe things. The other ſeuen reaſons

ſons doe ſeeme as it were ſomewhat to looke towards the point in queſtion.

If a poore man ought to bee thankefull in word for the loane of money, then ought the rich man to be really thankefull in his kinde. It is very true, and what then? *Then* (ſaith the author) *may he couenant or promiſe to be thankefull, if it be his dutie ſo to be.* I make no doubt but that hee may promiſe and performe his promiſe, much better then a poore man can; many other waies beſide paying of vſurie. But had he proued it lawfull for a rich man to be eight or tenne pound thankfull for the loane of an hundred, then had he approched neere the queſtion. 1

It is all one to lend money and to lend a Cow freely: therfore (ſaith he) *it is all one to let money and to let a Cow for hire.* I denie the conſequence; many things may bee lent freely, which may not be let for hire: a quart of milke, giuen by that Cow, may be lent, but not let. A Cow is worſe for the milking, ſo is not money for the vſing, which ſhall be repaied in as currant peeces as it was lent. 2

But the argument which hee ſtandeth much vpon, is Gods owne example: *Who paieth intereſt for the poore, and therefore the rich ought to pay for themſelues. God paieth it for the poore, becauſe they be not able to pay for themſelues: the rich therefore ought to pay for themſelues, becauſe they be able.* So that vſurie then muſt needes be paid either by God or man; by God for the poore, by the rich for themſelues. Another reaſon to the ſame purpoſe: *That wee muſt lend to the poore freely, and therefore muſt we take vſurie of the rich.* Vpon this ground (it ſeemeth) becauſe God will not pay for the rich, therefore they muſt pay for themſelues. For it will not out of his head, but that vſurie muſt be paied. *Were it not for vſurie,* he prophecieth, *that the ſame confuſion muſt needs fall vpon vs, which the Prophet Eſaias threatneth againſt Wicked and curſed nations.* That is another reaſon. Nay: *If vſurie be taken away, woe worth all the occupiers in the world.* That is another reaſon. Adde them all together; they bee aſſertions, prophecies, execrations, which ſay and aſſeuer, 3 4 5 Chap. 24. ver. 1. 2. 3. 4 6

but prooue nothing. For Gods example for paying vſurie for the poore, is taken from a metaphoricall or borrowed ſpeech, and therefore cannot ſtand vpon his owne ground. If it could, we might inferre ſtrange concluſions from Gods example; who returneth for giuing to the poore the principall, ſeuen fold, yea an hundred fold. Shall a rich man therefore pay ſo much vſurie? that would prooue a *Neſhec* indeed. Yea, but *we muſt lend freely to the poore; and therefore that we may inable our ſelues ſo to doe, we muſt take vſurie of the rich.* That is another reaſon, taken (as I ſuppoſe) from Standgate hole. For ſuch reaſons doe moue thoſe good fellowes to take a purſe, that they may bee the better able to doe this and that; ſome of them purpoſing to doe ſome good with that they ſhall take. Yet all this will not make their act good, if themſelues be taken.

7

§. 2.

By theſe reaſons alreadie alleaged it is to bee hoped, though they be many, that this author is not much to bee feared for doing the cauſe any great hurt. Albeit hee hath preſumed further in this theame then any I can finde euer did before, or I hope will do after him; in laying ſuch violent hands vpon the booke of God; wreſting that holie writ for the approbation, yea and the great commendation of vſurie. Being of the number of thoſe whereof *Tertullian* ſpeaketh: *Qui Cædem faciunt ſcripturarum in materiam ſuam:* Who doe fell the Scriptures to ſupport a rotten building.

cc

Firſt, in the Lebanon of the old Teſtament, hee hath hewne downe that worthie example of *Ioſeph:* who as agent for *Pharao* King of Egypt, deliuered to his ſubiects (now become his ſeruants) not onely the vſe of the land, but ſeed-corne alſo to ſow the ſame; couenanting with them for the fifth part of yeerly rent to the King their Lord and maſter for euer. And verily the Egyptians in this caſe ſat at an eaſie rent, paying but the fifth part, and enioying all the reſt, onely for their paines in tilling the land; which by reaſon of Nilus was a very tender mold, that men might water

Geneſ. 47. 20. 24.

water it with their feet; and therefore their tillage was no tough labour. But how is Vsurie built vpon this? What affinitie hath this rent with interest? Forsooth you must vnderstand, that all maner of contract, couenant, or bargaine whatsoeuer it be, is by him taken for Vsurie. If it be vniust or oppressing, then it is *Neshec:* which it pleaseth him to translate *morsurie*, not *vsurie*. If it bee equall and iust (as this of *Iosephs* was) then is it conscionable and lawfull Vsurie: in which sense, where בנשך לא יתן ותרבית לא יקח, is by all translators read, *that giueth not to Vsurie, nor taketh increase:* he turneth it, *To giue to Morsurie*, or *take a cutting rent*. So other places likewise, where those tearmes are to bee found, are by him very singularly expounded by the *racking of lands and tenements, in such sort as tenants cannot liue*. Ezek.18.8.

And all those texts of Scripture which do warrant either [a]*purchasing*, or [b]*merchandizing*, or [c]*letting*, or *lending*, or *tribute*, or any contract of gaine, are by him cut down to build vp Vsurie: so as if any shall be so vnmanerly as to put any difference between these contracts and Vsurie; then is all this great paines of his vtterly lost. Wondring with my selfe who should put these extrauagant conceits into his head; at the last I found them in *Bullinger*, vpon whom it seemeth hee groundeth himselfe; a moist foundation to build vpon. For the same purpose the same Author maketh much of Gods law for the releasing of debtors the seuenth yeere; because poore men, for the Sabbath of the ground that yeere, wanted meanes to pay their debts: yet of them who were able to pay, it might be exacted. *Behold* (saith he) *the rich man must pay principall and vsurie both the seuenth yeere; but not the poore: for there is the word Mashah, which signifieth vsurie; and the verbe Nashah, which signifieth to lend vpon vsurie. Oportet mendacem esse memorem.* Doth God release the poore, that Vsurie shall not bee exacted of them for that seuenth yeere? Vsurie, I say, by vertue of your Mashah? then shall it bee lawfull other yeeres to exact it, euen of the poore; whom alone you labour to free from Vsurie. Vers.4.

[a] Gen.23. 16.
[b] Leuit. 25.15. Prou.31. 16. Ezec.21. 27. Reu.18.15
[c] Exod.22. 15. Luk.19.12 Iam.5.4. *Decad.3. serm.1.* Deut.15.2.

ſurie. For doubtleſſe that law did bind onely for the ſeuenth yeere, and no longer time: the poore therefore will con you little thankes for this argument.

Pro.22.16. Yea but it is a prettie reaſon which hee hath framed out of *Salomons* prouerbs: *He that oppreſſeth the poore to increaſe himſelfe, and giueth to the rich, ſhall ſurely come to pouerty.* He noteth in the margent (*a notable place to proue that the rich ought to giue intereſt.*) How is that proued? By the rule of contraries; as if *Salomon* contrariwiſe had ſaid thus: *Hee that giueth to the poore freely, and lendeth to the rich to encreaſe himſelfe, ſhal vndoubtedly attaine vnto great wealth.* Indeed, *To attaine wealth, and to come vnto pouerty* be contraries. Beſides, I conceiue ſome antitheſis betwixt *oppreſſing the poore to encreaſe himſelfe*; and *giuing vnto the poore freely.* Now *lending to the rich vpon vſurie*, hath crouded in the midſt. How *lending* commeth in, paſſeth my vnderſtanding: there is no mention in the text either of Vſurie or loane. To giue to the rich in bribes, that hee may oppreſſe the poore, is a vice; or to oppreſſe the poore, that hee may the better giue vnto the rich: but is it therefore a vertue to lend to the rich vpon Vſurie? and ſuch a vertue as bringeth a bleſſing from God in ſtead of a curſe? So ſaith the Author in direct tearmes: *Now the contrary vertue hath queſtionles the like oppoſite bleſſing, an equall and like reward of plentiouſneſſe.* This is more, I dare ſay, then euer Vſurers did hope for, or imagine: full glad would they be, if we could proue it a thing indifferent. To lend freely is a worke of mercy and bountie: to lend vnto the rich freely is vitious; becauſe ſuperfluous: he compareth it to *powring water into the ſea*; yet to lend to the rich vpon Vſurie, makes it very commendable. *A notable place to proue Vſurie?* A notable wit that can extract Vſurie out of ſuch a place. For I dare ſay when *Salomon* ſpake this prouerbe, he thought no more of any ſuch vertue, then he did of Alchymie.

From Prouerbs deſcend we vnto Parables. Parables and metaphors make fit groundcels for ſuch buildings. Our S. Mat.25.27 Chriſt in his parable of *Talents*, compareth the diſpenſation and

and vſe of ſpirituall gifts and graces, to the imployment of moneyes amongſt worldlings; where a rich man deliuereth ſummes to certaine occupiers, that hee might receiue his principall againe, *cum fœnore*, with Vſurie, or aduantage. Now it is verily thought, Chriſt would neuer haue made ſuch compariſons, if Vſurie were not lawfull and honeſt. συν τόκῳ.

And I pray you, what honeſtie doe you find in the ſudden breaking in of a theefe into a mans houſe in the night? yet Chriſt compareth his laſt comming euen vnto that. Nay more, what if the maſter had commended his ſeruant in this parable for diſpenſing his talents, as the Lord commended the vniuſt Steward for his wiſdome? Then might it ſafely haue been concluded, that it is as lawfull and commendable a thing to take Vſury, as for that Steward to robbe his maſter, and both alike. Nay, ſo farre is this parable from iuſtifying of Vſurers; that were it not a parable, I would haue vſed it as an argument againſt Vſurie. For wheras the ſeruant complaineth of his maſter, as of *an hard man, reaping where he ſowed not, and gathering where he ſtrowed not* (parables being ſpoken after the faſhion of the world,) it ſhould appeare that Vſurers in thoſe times were hardly thought of, euen of meere worldly men, for reaping increaſe more then they ſowed, out of talents and peeces of money, which haue no power of fructifying in themſelues. Mat. 24. 43

That conſequent which commonly is inferred from the rule of equitie, ſet downe by Chriſt, *What ſoeuer you would that men ſhould doe vnto you, doe you the ſame vnto them*, and therefore I may lawfully take ſo much vſurie of my neighbour, as I my ſelfe in his caſe would giue; is but a begging of the queſtion: for it muſt be vnderſtood of a iuſt and rectified will; elſe it can be no rule. If I pretend that I doe no otherwiſe vnto him then my ſelf in his caſe would be done vnto; we runne ſtill vpon the queſtion, whether my deſire were then as it ſhould be? For if I my ſelfe would borrow vpon vſurie, either to ingroſſe or foreſtall, or to compaſſe ſome vnlawfull matter, this is a corrupt will and no rule.

But if my desire to borrow bee iust and lawfull (as in some cases before mentioned it may be) then is it no entire will; but mixt and forced by some necessity, for the auoiding of a greater euill; and therefore deemed in the eye both of [a] law and [b] reason to be no will at all. Hee that would borrow, should haue need to borrow; for a needlesse desire is vnlawfull: And hee who hath need to borrow, would not willingly borrow but for need; much lesse would hee pay Vsurie, if with conuenience he might borrow freely. Therfore the will of the borrower is in this case either corrupt, or no will at all; and so consequently without the compasse of Christ his rule.

[a] *Hotom. de Vsur. 85.*
[b] *Arist. Eth. 1. 1.*

Come wee now to the argument of arguments, hatched onely by this Author himselfe; whereupon hee hath bestowed great cost and paines to bring it vnto perfection; sitting vpon it for three leaues together in large folio. It is grounded vpon *Iohn Baptist* his answere to the Publicans: *Require no more then that which is appointed vnto you.* Marke the text well; for here commeth an argument wil make Vsurers to laugh and keepe holy day. The Author will demonstrate out of these very words (which a man would little think at the first) that *Iohn Baptist* did allow Vsurie at twelue in the hundred: a rate which our statute law would punish with the forfeiture of principall and all. Now good Lord what a thing is this; that humane lawes inacted only to loppe and prune the superfluitie of mens actions, should be more strict and seuere then the doctrine of *Iohn Baptist* in the wildernesse; who laid the axe to the root, cutting downe sinne, and burning vp iniquitie with the spirit of *Elias?* Twelue in the hundred, with a quicker returne then ordinarie: not sixe moneths, but *Centesima* is it called, that is, one in the hundred monethly, which *Iohn Baptist* hath iustified.

Luk. 3. 13.

And to proue the same, he bringeth a long discourse out of *Tullie*, both for the approbation of *Centesima*, and for the great honour and estimation that the *Publicans* were in amongst the *Romanes*, who had not only authoritie to gather

ther tribute, cuſtomes, and publike reuenues; but alſo to employ them for the publike good. By reaſon whereof they practiſed the *Centeſima* then allowed by the *Romanes*. Theſe Publicans comming to *Iohn Baptiſt*, and demanding what they ſhould do; *Iohn* bad them require no more then that which was appointed them. But the practiſe of *Centeſima* was allowed vnto Publicans, by the Romane lawes; and therefore approued of by *Iohn*, in his anſwere to their queſtion. This in briefe is the very dint of his whole argument.

We will not fall out about the premiſſes. Firſt, be it granted that the *Centeſima* was allowed of by Heatheniſh lawes in *Tullie* his time amongſt the *Romanes*; and amongſt the *Grecians* before them; and among the *Perſians* in the daies of *Nehemias*. Secondly, neither can it bee denied but the Publicans were much honoured in their place while they liued; and for their good ſeruices had their Images after death erected in *Rome* with a κύλινδρον. Thirdly, wee confeſſe likewiſe that ſuch Publicans had the imployment of tributes, cuſtomes and publike reuenues for the beſt behooſe of the Common-wealth: and hereby hauing great ſtore of money in likelihood, were great practiſers of vſurie both for the publike and their owne priuate commodities. Chap. 5.

But what of all this? Before that *Iohn Baptiſt* his anſwere doe make any thing to your purpoſe, two points muſt bee proued, which lie yet vntouched. Firſt, that thoſe Publicans who came to *Iohn* his baptiſme, had the like place, office and authoritie for publike goods, as thoſe whereof *Tullie* writeth. Secondly, you muſt prooue likewiſe, that this vſurie was an eſſentiall part of a Publicans office; elſe this text will conclude nothing for you. Theſe haue you wiſely paſſed ouer in ſilence; for I doubt you would much haue failed in the proofe of both.

The Romane Publicans had no ſmall power committed to them for the weale publike, when [a] *Tullie* teſtifieth, that *Flos equitum Romanorum, ornamentum ciuitatis, firmamentum*

[a] Orat. pro Cn. Plancio.

tum reipub. Publicanorum ordine continetur. But the Publicans which *Iohn Bap.* spake with in Iordan, were Iewes, and not Romanes, as is agreed by [b] old and [c] new Interpretors. [d] For Christ himselfe, who came after *Iohn*, was not sent, neither would send his Disciples, *but vnto the lost sheepe of the house of Israel.* *Matthew* an Apostle, and therefore a Iew, was a Publican: and so were many other Iewes who sat with Christ at meate. Now these Iewish Publicans were as much debased, as the other were honoured. Abased amongst the Iewes, because they were Publicans: and amongst the Romanes, because they were Iewes. These were hired to assist the Publicans in collecting of customes, or, at the most, they farmed the same of the Romanes; and did exact an ouerplus what they could get, for themselues: but for imploying the Emperors money in vsurie, or otherwise; the Romanes would looke to that themselues: as appeareth by that which *Plinie* writeth to *Traian* the Emperour, *Pecuniæ publicæ Domine prouidentiâ tuâ & ministerio nostro*, &c. By what warrant then can you conferre this charge vpon Iewish Publicans, which were but hirelings to the Romanes; the chiefe of them but factors of tole and tribute? who as for their office they were hated of their owne nation; so for their extreame exactions and forged cauillations, were they iustly reputed for infamous sinners. Some of these Publicans comming vnto *Iohn Baptist*, and being touched by his doctrine with a remorse, desired saluation amongst the rest: yet doubting whether their profession was capable, asked; *What shall wee doe? Iohn* doth not bid them giue ouer their calling, or cease to be Publicans: because although it seemed an odious thing to the Iewes, that those of their owne nation should serue the vncircumcised, for the abridgement of their libertie; who thought themselues so free: yet since tribute was due vnto *Cæsar*, the office of gathering tribute could not be vnlawfull. But the couetous exacting of more then was due (being the common fault of Publicans) was the thing which *Iohn Baptist* would reforme in those words, *Require no more then is appointed*

[b] *Hieron. epist. 146. ad Damas.*
[c] *Bez. annot. in Mat. 9. 10.*
[d] *Mat. 9. 10*

Qui operã suam ad exactionem tributorum Romanis locabat. Beza in Mat. 9. 10.

vnto

vnto you. Is not this agreed to be the ſimple meaning of the text? What haue wee then to doe with *Centeſima*, or any kind of Vſurie in this place? Our Sauiour Chriſt doth teſtifie of theſe kind of people, that they would lend freely to their friends without Vſury, *for the like againe.* Yet I will not denie but theſe in all likelihood would alſo take Vſurie: for men of their liues would make little conſcience, before their conuerſion, either of Vſurie or any other crime. What then? muſt *Iohn Baptiſt* needs approue all ſuch faults as he doth not expreſſe? He nominateth that only which is moſt pertinent and proper to the office of a Publican: including the reſt in his generall exhortations: wherein Saint *Luke* teſtifieth that *Iohn* ſpake many moe things then bee written. The exaction of more in the name of tribute or cuſtome by forged cauillation then of right was due, was the crime of Publicans. But was it their onely fault? were the ſouldiers giuen to no other offences then thoſe which *Iohn* did ſpecifie? was there want of no other vertue among the people, then that one which *Iohn* by name doth commend vnto them? Theſe kinde of arguments bee too too ſlight; and I feare I muſt incurre the greateſt blame my ſelf, for ſtanding too long about them.

Luk.6.34.

Luk.3.18.

Chap. VII.

A recapitulation, with an inforcement of the premiſſes.

NOw (Chriſtian Reader) let vs aduiſe together in cold blood, for a Chriſtian reſolution, what is to be done in the caſe of vſurie. [a] For what hath been ſaid by way of argument on either ſide, wee haue heard. What I haue read, or can imagine may with any colour be alleaged in defence of it, hath been vrged with the beſt probabilitie that I can: for I had rather giue then take aduantage in this kinde. But alas, wee

[a] 2.Booke, chap.24. ſect.2.3. 3.Booke. chap.1.

[b] 2. Booke, cap. 2. sect. 2. 3. 4. 3. Booke, chap. 2 3. 4. 5. 6.

[b] see the best probabilities are but as figge leaues, shapen by the deuice of some few indulgent wits; to couer the nakednesse of that, which the law of God, of nature and of equitie hath discouered to bee deformed and shamefull in it selfe.

For the text of Scripture in the letter it selfe wee finde no question to be made. For albeit some haue put interpretations and senses vpon the text, according to the fashion and varietie of conceit and apprehension (a thing practised for all opinions;) yet is it granted that the letter doth euery where condemne vsurie, both in the originall, and manifold translations, euen vnder the tearme of increase and ouerplus, the most harmelesse tearme that is, or can be giuen vnto it. Not any sentence of Scripture which mentioneth vsurie, but condemneth it, without exception, distinction, limitation, qualification, dispensation, or toleration amongst the people of God.

[c] 2. Booke, chap. 3. 4. 5

If wee remoue from the text to the [c] authoritie of Interpretors; I suppose wee might truly auerre that, concerning this question, which the most impudēt aduersarie that euer the Church had, durst neuer pretend for his assertion: That there was neuer any Church or Churchman, carrying the name of a Christian, who hath defended in writing any branch of vsurie, for the space of fifteene hundred yeeres after Christ. Neither was this for want of occasion giuen; for it hath been both practised and written against in all ages. Neither can wee with modestie impute it to the ignorance of the Church: for as she is acknowledged to be most eagle-sighted in the time of her puritie; so when she was ouershadowed with superstition, her writers in cases of conscience for matters of moralitie were most exact; as by their schoole Diuinitie is euident to be seene. Yet where shall wee finde any one, for so many ages of the Church, who could euer deuise a distinction to saue an Vsurers soule?

2. Booke, c. 6. sect. 1.

About the time of *Luther*, this mystery of iniquity began a little to worke, but very cunningly cloaked vnder a new contract,

contract tearmed *the contract of Redemption:* the very toleration wherof by the pope was reckoned by *Martin Luther* amongſt the notes of Antichriſt; ſo odious was Vſurie vnto him.

Afterwards many Chriſtians of reformed Churches being vrged to fly for perſecution, and to conuert their goods into money, yet wanting skill to imploy the ſame in a ſtrange countrie; tender hearts thought it pitie that Vſurie in ſuch a caſe were not lawfull; and nimble wits began to ſearch, if the matter might not be ſo handled, and qualified by cautions and limitations, that ſome ſuch thing as that we call Vſurie might be practiſed. For ſuch is the ſubtilty of Satan, that if he cannot hinder the growth of good corne, yet tares ſhall grow vp with it. He thought that when men were ſo buſied about the reforming of thoſe groſſe abuſes of ſuperſtition; that then was the onely time to begin a new ſeed-plot of Vſurie, of Sacriledge, of liberty and profanenes in the other extreme. Which vices, howſoeuer they were little feared or thought vpon in thoſe daies; yet by this time we may eaſily perceiue to what ripeneſſe they bee growne, which then were but as ſeedes vnder the ground. 2. Booke, chap. 7.

And that reuerend Diuine, Maſter *Caluin*, who was ſo timorous to ſatisfie his friend by epiſtle, in moderating this point of Vſurie; as if hee would haue curſed the times wherein ſuch occaſion was giuen: I perſwade my ſelfe if hee had then imagined what aduantage would after haue been taken of that little ſomwhat which there was ſaid in fauour of Vſurie; that the deareſt friend in the world ſhould neuer haue moued him to haue moued pen to paper in that kind. But alas, what is that which is deliuered by him, and thoſe few Diuines who ioyne with him in that aſſertion, whereupon a man may reſolue? Nay,* ſaith *Caluin*, be it far from thee to reſolue vpon that which I write in this kind. But admit a man will reſolue more confidently vpon that which he then thought, then he himſelfe could: Admit he will venture his ſoule vpon whatſoeuer hath dropped at any time 2. Booke, chap. 7.

* *Tantum abeſt vt iſtud a te pro edicto aut axiomate haberi velim, vt in eo plane acquieſcere.*

time from that mans pen occaſionally; what is that which hee and the reſt haue deliuered, when they haue written moſt fauourablie for Vſurie? If it be demanded whether it bee lawfull to take intereſt for the vſe or loane of money; anſwere is returned by thoſe ſuppoſed Patrons of Vſurie, that for ought they can ſee, it may bee lawfull ſo to doe; if we make no trade of it, but once or twice vpon occaſion, and vſe it not. If then, we deale no worſe with our brother, then we would in the like caſe bee dealt withall our ſelues: If we take it not of any who by pouerty is vrged to borrow: If the taking of it doe not any waies hinder the free loane to him that needeth: If the intereſt be but halfe of the borrowers gaine at the moſt: If we looke that the Commonweale be not bitten or preiudiced thereby: [d] If our Vſurie exceed not that which the lawes doe tolerate where wee dwell: [e] If the borrower beſprinkle the creditor with ſome part of his increaſe, rather out of his voluntarie thankfulneſſe, then by way of exaction: If the lender bee content to beare part of the borrowers loſſe, as well as of his gaine: If in caſe the principall doe miſcarie without the borrowers fault, we [a] bee content not onely to remit the principall with the Vſurie, but to lend him afreſh: Put all theſe Ifs together, and here is a peece of Vſurie which was neuer practiſed ſince the world ſtood, nor neuer will. And yet theſe be the cautions of the greateſt patrons of Vſurie that euer writ. After they haue examined the point, and anſwered, as they thinke, the reaſons which are vſually brought againſt Vſurie by the ſchoole; yet in concluſion put al their limitations together, they agree vpon no Vſurie at all, as it is before defined. Single them out one from another; there is not any one of them who dares defend any ſuch ordinary Vſury, as is amõgſt vs practiſed with ỹ greateſt moderation.

Alas poore ſimple ſoules, who haue receiued it by tradition I know not how, and do verily perſwade themſelues, that many very reuerend Diuines haue in their writings defended ten in the hundred to be very lawful. Let the caſe then be put after the common intendment of the world: A lay

Calu. epiſt. de Vſura.

[d] *Virel Chatechiſ. precept. 8.*
[e] *Iunius in Leuit. fine. Zanch. in epiſt. ad Epheſ. cap. 4. 8. Hemingius in Pſal. 15.*

lay man commeth to a Diuine and tels him; Sir, I haue a ſumme of money lying by me and little skill to imploy it: I know diuers would bee glad to borrow it, and giue mee good ſecurity. May I not lawfully put it to vſe for eight, nine or ten in the hundred, without ſo many ifs? I am no States man to know when, or how the Common-wealth is bitten or preiudiced by Vſurie: Neither can I tell what the borrowers gaine or loſſe is; he may deceiue me eaſily, or bely himſelfe, that he may borrow ſtill: beſides, I doe not loue to prie into other mens affaires, how they thriue. If hee gaine with my money, I ſhall be very glad; if he loſe, it ſhal not be my fault; for I will not entreate him to borrow it: onely my deſire is to be ſure of mine owne with quietneſſe, and ſome certaine moderate increaſe for my money, vntill I know how to imploy it otherwaies my ſelfe. Let this bee the caſe: I haue not met with one Diuine, new or old, extant in print, who hath taken this queſtion in hand to ſift and examine, that durſt yet determine this, or any other equiualent or like vnto this, to be lawfull.

Now if there bee any who doe animate their priuate friends to ſuch practiſes, I cannot better reſemble them then to thoſe peſtilent Heretikes, the *Carpocratians*, wherof [b] *Tertullian* and *Irenæus* write, who ſaid the Apoſtles committed onely vulgar points of doctrine to writing, reſeruing certaine ſecret poſitiõs to be imparted to their ſpeciall friends, who were perfect and able to receiue ſuch vnwritten verities, as were by tradition to bee deliuered to ſome few. Now if there bee any ſuch concealed truth concerning Vſurie, which none muſt know but our ſpeciall friends who haue grace to vſe it well; I would to God it might be reuealed, together with the grounds whereupon it is built; that men may not runne their conſciences blinfold in theſe practiſes vpon their owne deſtruction: thinking themſelues in a good way, without any warrant either from ſound reaſon or good authority.

[b] *De præſcript. aduerſ. Hær.* [c] 2.Booke, chap.24. *Apoſtolos ita tradidiſſe dignis tantùm.*

§. 2.

As for authority, ſo likewiſe for reaſon, I haue done my

poore endeauours to enquire after the grounds of this point; and haue found: First, that authority is so strong against the lawfulnesse of Vsurie, as that no man of modesty but will pawse and make question of it; and therefore to him it must be vnlawfull, because doubtfull.

[a] 2.Booke, chap.10.

[b] 2.Booke, chap.11.

Next, that it is, and euer hath been of ill report; and therefore among Christians vnlawfull: because it causeth the enemy abrode to blaspheme our profession; and is scandalous to our brethren at home.

[c] 2.Booke, chap.12.

[c] Thirdly, that our statute law now in force simplie forbidding all Vsurie, or ouerplus for any loane whatsoeuer, being a wholesome and good law without exception, is to be obeyed by vertue of Gods law, euen for conscience sake. In the pursuit of which argument, as I haue presumed to set downe what I conceiue concerning the force of this penal statute of Vsury: so haue I touched as necessarily incident to the same purpose, the binding power of humane lawes in generall. Wherein that I be not mistaken, vnderstand me to haue taken a middle way, betweene two assertions, both which seeme to me extreme. First, the * Church of Rome, that shee might tyrannize ouer mens consciences at her pleasure, hath vsurped a power, not onely to dispence with the expresse law of God; but in place thereof to create new lawes, which shall haue equal binding power ouer the conscience with Gods law. For the better establishing of which vsurpation, some of her flatterers doe extend this binding to all humane lawes whatsoeuer: making no difference betwixt them and the law of God in this; but that the law of God and of man doe both alike bind the conscience. So be their words. * *Lex humana & diuina quoad obligationem non differunt: vtraque enim obligat in conscientia, nunc ad mortale, nunc ad veniale peccatum, pro rerum ipsarum grauitate.* Which assertion, if it should take place, I see no reason but that we of the Clergie should stand bound to studie and teach the people the Ciuill and Canon lawes of our countrie, as well as the law of God; seeing their consciences doe stand equally bound to both alike, which to imagine

* *Concil. Trident. sess.24.de sacram. matrimon. can.3.*

Bclarm. Tom.1. part.2.de laicis.lib. 3.cap.11.

imagine were groſſe impiety. Another ſort there be who doe auerre, that we are not any whit bound in conſcience to humane lawes from the authority commanding, but meerely from the matter commanded: So as if the thing inacted by law be not contained within the law of God or nature, it is no ſinne before God to tranſgreſſe that ſtatute. Humane lawes (ſay they) bee nothing, to the conſcience, but onely interpretations of lawes diuine and naturall. So as a ſubiect doth offend in tranſgreſſing a law, no otherwiſe then a patient in breaking the rule of diet preſcribed by the Phyſition: wherein hee doth offend God, not for diſobeying the precept of the Phyſition; but for tranſgreſſing the rule of good health, which now is made manifeſt to him by the Phyſitions skil. In like maner, humane lawes doe onely manifeſt and preſcribe that which in conſcience we were bound to obey before.

[b] *Gerſon. lib. de vita ſpirituali, ſect. 4. Almainus, quæſt. 1. de poteſtate Eccleſ. cap. 12. Vaſquius, quæſt. 12. 14. 29.*

Now as the former aſſertion doth derogate from the Maieſtie of Diuine law which is due vnto it: ſo doth this ouermuch weaken that ordinance of God, which he hath eſtabliſhed amongſt men. *In medio tutiſſimus ibis.*

We haue therefore choſen the middle way, to wit, that men ſtand bound in conſcience to obey good and wholeſome lawes, not only from the nature of the thing enacted, but alſo in matters meerely indifferent, both becauſe the generall obſeruation thereof is auailable for the publicke good (which in charity we are bound to reſpect:) And alſo becauſe we muſt bee ſubiect to that authority which is the ordinance of God. [a] Subiect, I ſay, not onely in ſuffring the penaltie which the Apoſtle tearmeth *wrath*, but in obeying of lawfull commands, euen *for conſcience ſake*: for conſcience ſake, not becauſe of any humane authority, (which of it ſelfe hath no command at all ouer the inward man) but onely by vertue of Gods law, which commandeth vs to obey authority: ſo as if wee ſhall willingly and wittingly tranſgreſſe; we ſhall ſinne againſt God. Admit then that Vſurie were a thing in it ſelfe indifferent: yet haue we in England a bond lying vpon vs more then other

[a] Rom. 13. verſ. 5.

nations in regard of our poſitiue law: Not onely *Ex ipſa* [b] *legis vtilitate*, as *Stapleton* would haue it; but in reſpect of our ſubiection vnto a lawfull commanding authority, as it is the ordinance of God.

[a] *controuer.5.de poteſt.Eccl. circa leges morum.q. 7.art.2. expl.*

Hauing enquired yet further into the nature of vſurious gaine, we haue found it to be moſt remote from that naturall and moſt innocent increaſe which God eſtabliſhed and inſtituted amongſt men: for that, money is not onely barren by nature, being a thing meerely artificiall; but alſo void of all immediate vſe in it ſelfe to the poſſeſſor while he doth enioy it: So as the borrower giueth hire for the vſe of that whereof he can haue no vſe but in diſburſing of it, and parting from it: and the lender taketh hire for the vſe of that, which vnto him can neither weare in the vſing, nor be worſe for the wearing. And which is yet more vnkind; the more this gaine doth increaſe and multiplie, the more it may; contrary to all other increaſe both of nature, and mans induſtrie.

[b] 2.Booke, chap.13.

2.Booke, chap.14.

Helping our eyeſight by the rules of piety and godlineſſe, wee haue further found it to be an vngodly gaine, which is aſſured againſt euery act of God, as Vſurie is. For albeit in wiſedome we muſt ſecure our ſelues by all lawfull meanes againſt earthly caſualties, and the fraud of men: yet notwithſtanding in religion we ought moſt willingly to depend vpon Diuine prouidence for our gaine, acknowledging all our profit and increaſe to bee the bleſſing of God.

2.Booke, chap.15. ſect.1.

And as the firſt table hath condemned vſurie of impietie, ſo hath the ſecond conuinced it to be moſt vniuſt. Vniuſt euery way. It takes hire for loane, and ſetteth to ſale that moſt liberall and free act of charitie. It paſſeth ouer by couenant all the hazard of the principal, and yet taketh hire for the vſe of the ſame, againſt the equitie of Gods law, which ſaith, *the borrower muſt not make that good which came for hire.* It receiueth great gaine without labour; cleere gaine without coſt; certaine gaine without perill; out of the induſtrie, the charges, the meere vncertainties of the borrower.

Exod.22. 15.

borrower. * All the parties whom vſurie doth any waies concerne, haue condemned it to bee moſt wicked and odious. The Vſurers themſelues are aſhamed of their profeſſion: the townes and cities where they dwell, dare not iuſtifie the trade, either of vſurie or brokage; but doe ſuffer the practiſe in ſecret only, as a worke of darknes. All ſorts of borrowers condemne it, as being a cruell biting to the poore; a curſed ſnare to the prodigall; an inſtrument of oppreſſion to rich borrowers; depriuing them alſo who be of a midling fortune, of that moſt bountifull worke of charitie (free loane) which vnto them is moſt proper and peculiar. The Common-weale, and in it the poore people, may rue the time, that euer the leaſt vſurie was left vnpuniſhed; for their purſe in the end muſt pay for all.

* 2. Booke, c. 15. ſect. 2.

Yet for all this, if charitie might heale where iniquitie doth wound, it were the more tolerable. But vſurie as it peruerteth iuſtice euery way; ſo doth it drie vp the verie fountaine of charitie, being naturally oppoſite thereunto; turning euery thing to lucre and gaine, and ſtraitning the bowels of compaſſion, which otherwiſe would dilate themſelues, not onely in free giuing, but eſpecially in liberall lending, where money for a time might be ſpared.

2. Booke, chap. 16.

§. 3.

Theſe points haue been proued in their ſeuerall places; what muſt be the concluſion then out of al theſe premiſſes? Charitie, Iuſtice, Pietie, Nature her ſelfe; the lawes of God, and of men; all authoritie ancient and moderne, ioyning their forces againſt the Vſurer, how can hee ſtand, inuironed with ſuch a cloude of witneſſes; or iuſtifie his conſcience againſt the day of triall?

Yet few men there be in theſe daies who haue a remorſe of this ſinne, or doe take it to heart: their conſciences be ſeared as with a hot iron, there is ſuch a thick skin growne ouer their hearts, as they will hardly be circumciſed in this point. Which ſenſeleſſe ſtupiditie may eaſily be perceiued to proceed originally from three principall cauſes.

1 Firſt, the generall practiſe of vſurie makes euery one

in particular to thinke that hee ſhall ſhift with his conſcience, as well as others. Lord haue mercie vpon vs (ſaith he) if it be ſuch a matter to take vſurie, what ſhall become of ſuch, and ſuch, who I am ſure haue as good ſoules to God as I? I purpoſe not therefore to trouble my head for that matter. I pray God I haue no greater ſinnes to anſwere for, and then I hope I ſhall doe well.

See the efficacie and power of example, when it growes common. It was placed before in the firſt ranke of motiues, perſwading men that vſurie was lawfull, becauſe it is ſo common. Now albeit example be too weake a reaſon to inferre any ſuch concluſion; I hope euen in the eſtimate of the weakeſt iudgement: yet thus farre it doth preuaile with many, to keepe their conſciences from any great touch in this point; for they reſolue themſelues vndoubtedly, that it cannot be ſo hainous a ſinne, which is ſo generall a practiſe amongſt them of good account. Ah fearefull temptation, thus to be drawne into ſinne by imitation! It was that which turned ſo many legions of Angels into Diuels, to ſee the brighter and more glorious ſpirits, leaue their ſtation by diſobedience. But did that mitigate Gods wrath towards them of inferiour ranke? *Habet ordo diuinæ iuſtitiæ, &c.* Diuine iuſtice required that they who were drawne into the ſame fall, ſhould be inwrapped in the ſame condemnation. When there were but two in all the world to tranſgreſſe, concerning that only forbidden fruit, the example of the one inticed the other. It was that which brought fire and brimſtone vpon thoſe goodly cities of the plaine, when abomination grew ſo commonly practiſed, *from the young euen to the old,* that one drew another from the higheſt to the loweſt. Nay ſo forcible was this temptation, that a branch of vnnaturall ſinne eſcaped the fire of Sodom, and light in a caue of the mountaine: thus the generall example of Sodom infected the familie of iuſt *Lot.* But did that extenuate the fault? Nothing leſſe. *Moab was the father of the Moabites, and Ben-ammi of the Ammonites,* for many generations.

Iude 6.

Gen. 3. 6.

Gen. 19. 4.

Verſ. 38.

2 Secondly,

2 Secondly, men take occaſion from the queſtion of vſurie, euen becauſe it is a queſtion, to arme themſelues againſt all remorſe and touch of conſcience. For if they can once heare that it is queſtionable, they aſſume a libertie to themſelues to chuſe a ſide, and to practiſe according to that opinion which likes them beſt. But the groſſenes of their error doth herein appeare; that vnderſtanding Diuines to be ſomewhat diuided about vſurie, they doe preſently imagine the point in queſtion to bee this; whether the taking of nine, or tenne in the hundred, according to our ordinarie practiſe, be lawfull. But alas, there is no ſuch queſtion amongſt Diuines to be found in all their writings. I haue ſought with all diligence my ſelfe; I haue enquired of others; and vpon examination, I finde not any publiſhed vpon this argument, who diſcuſſing this point doth defend any ſuch thing. Many queſtions we haue; what is vſurie, and what not. Some there be who defend certaine ſhreds of vſurie, euen to the raſing of the definition; whoſe reaſons we haue met withall in their * places. Some alſo of the Ieſuiticall brood (who to humour the people for their purpoſes, will diſpenſe with any thing) haue hatched new deuices, how to defend profit by money, as good as vſurie euery whit, and yet no vſurie: cunningly twiſted of three lawfull contracts; of the contract of ſocietie, or partnerſhip, and two kinds of aſſurances with the ſame partie: defended by [a] *Io. Eckius*, and notably diſcuſſed at [b] *Rome* by many learned Doctors, in my preſence, ſaith [c] *Gregorie de Valentiâ*. A notable point no doubt, and well worthie the diſcuſſing. So faine would thoſe Diuines giue the world ſome contentment for this practiſe of vſurie; that ſince they cannot with any face defend the old, they would be glad to create a new. But for an abſolute couenant for tenne, nine, or eight in the hundred, according to the cuſtome of Cities, amongſt Diuines of any Church, I cannot yet finde a patron.

3 But the third & laſt impediment, which hindreth men from taking of this ſinne to heart, is of all others the moſt fearefull,

* Pag. 8. 9. 10. 11. 12. 14. 36. 37. 38. 39. 40. 41. 42. 43. 44. 47. 99. 104. and the whole 3. Booke.

[a] *Bononiæ.*
[b] *Ann.* 1581
[c] *Diſput.* 5. *q.* 24. *de ſocietate punct.* 2.

fearefull to be thought vpon, and yet I feare mee moſt auailable. When men be once ſeaſoned with Vſurie, & haue entangled themſelues in the ſame by any ſetled practiſe; they be after afraid to call it into queſtion for diſquieting their conſciences. But bleſſed is that diſquietneſſe, which procureth eternall peace: and curſed bee that ſenſeleſſe peace, which bringeth euerlaſting torment. A ſinfull ſoule muſt be diſturbed here or elſewhere, there is no remedie: If we iudge not our ſelues before, we ſhall be iudged hereafter, when it will be too late to finde mercie. Can men hope for mercie vnder a pretence of ignorance in this point? Verily if it were an inuincible ignorance, God in mercie would paſſe it ouer, as he doth many other things, where the meanes of better information is wanting: But if it bee an affected and wilfull ignorance, it addeth ſinne vnto ſin. Now what is more affected then to decline and auoid the meanes of inſtruction and reſolution, onely becauſe they will not diſturbe and awaken their conſciences out of ſo ſweete a ſleepe of ſecuritie, for ſo ſweete a gaine as vſurie? If hee did nothing but ſleepe out his moneths, the moneys would come in.

Wee doe accuſe ſome obſtinate Recuſants of wilfull blindnes, becauſe they doe refuſe the meanes of better inſtruction: yet the moſt wilfull amongſt them can ſay thus much for themſelues, that many learned men, and the Church of Rome for many ages, haue defended their cauſe. Which apologie of theirs, though vpon due examination it bee nothing; yet is it much more then euer could be ſaid for vſurie. For though the practiſe of it can plead antiquitie, nothing more; yet was there neuer any Church, Orthodox, or Hereticall, which euer defended the ſame ſince the world ſtood. In ſome places it hath been tolerated. Tolerated, I ſay, and therefore not approoued of in any wiſe. As Maſter *Beza* for Geneua hath well obſerued: *Fœnerari prohibet Chriſtiana charitas: fœnus tamen propter hominum commercia multi magiſtratus vident ſe ſimpliciter prohibere non poſſe. Itaque (quod vnum reliquum eſt)*

Annotat. in Mat. 19. 8.

eſt) fœneris modum certum conſtituunt. An verò propterea fœnerari bonâ conſcientiâ licet? Minimè profectò. Neq; enim ex legibus, ſed ex dei verbo petenda eſt conſcientiæ regula. Imo ne ciuiles quidem leges probant, ſed damnant potius, quod duntaxat tolerant, cogente hominum improbitate: Chriſtian charitie doth condemne vſurie: yet notwithſtanding in regard of the entercourſe of merchandize, or commerce betweene man and man, many Magiſtrates doe perceiue, how they cannot ſimply inhibit the ſame, therefore (that which remaineth only for them to doe) they ſtint and limit vſurie. But may a man therefore take vſurie with a good conſcience? No verily (ſaith *Beza*) for the rule of conſcience is to be taken, not from the ciuill lawes of men, but from the word of God. Yea the Ciuill lawes themſelues, do not approue, but rather condemne, that which they tolerate only, being vrged thereunto by the wickedneſſe of men. Theſe be the very words of that famous Paſtor of Geneua, which I haue ſet downe, to the end wee may take notice of the cenſure euen of that Church wherein vſurie ſeemed moſt neceſſarie, and from which men haue taken their greateſt encouragement, to venture their ſoules vpon this ſinne.

Take notice therefore (Chriſtian Reader) I beſeech thee, that thou do not miſtake vs, and deceiue thine owne ſoule. That thou maiſt not miſtake, I haue laboured to be as plain as I can: And that I might not ouerburthen or enſnare thy conſcience, I haue iuſtified ſuch contracts and dealings with money for money, as may ſtand vpon iuſt and equall grounds. The [a] contract of aſſociation or partnerſhip, where both parties are partners in gaine and loſſe, both depending vpon diuine prouidence for a bleſſing: That lawfull [b] intereſt which properly and truly is ſo called, when a mans money is forced or retained from him ſimply againſt his wil to his detriment; then to receiue ſatisfaction anſwerable to his damage: [c] Buying & ſelling for time in thoſe few caſes premiſed: [d] The thankfull gratuitie returned by the borrower out of his gain freely, without any precedent

[a] Pag. 19.
[b] Pag. 20.
[c] Pag. 20. 21.
[d] Pag. 27.

contract or agreement for the ſame: That [c] *reall exchange*, which ſtandeth iuſtifiable vpon his owne grounds; if it be not poyſoned, as commonly it is, with vſurie: [f] Thoſe equal conſiderations of courteſie, where one good turne requires another, without couenant for certaintie of cleere gaine in money or money worth: [g] Thoſe aſſurances where there is ſome equall aduenture, and where the hand of God in the loſſe lighteth vpon both parties: [h] To borrow, vpon vſurie in ſuch caſes of neceſſitie, as are before expreſſed. Thus haue I yeelded as much as poſſibly I could, loth to intangle thy conſcience, or to caſt a ſnare vpon thee. And ſome fewe Diuines (I confeſſe) haue yeelded ſomething more, then I can ſee good ground for. But that which I would haue thee to take eſpeciall notice of, is, that an abſolute couenant for the loane of thy money, for ten, or nine, or eight, or ſeuen, or ſixe, is without warrant or authoritie, euen amongſt thoſe Diuines, who, vpon ſifting and examining this point, haue concluded moſt fauourablie for thee. Alas poore ſoule, whither wilt thou turne thy ſelfe for ſuccour when thy beſt friends forſake thee? What wilt thou plead for thy ſelfe when thou commeſt before the eternall Iudge vpon thy triall? How doeſt thou hope to die a Chriſtian, if thou liue a Vſurer? Doeſt thou hope for remiſſion in Chriſt Ieſus? It muſt be then vpon thy true repentance, in abandoning that ſinne. Canſt thou plead ignorance? Take heed it be not wilfull and affected ignorance, then is it double iniquitie, which is more fearfull.

Be not obſtinate then and wilfully ignorant: let not filthie lucre ſo blind thine eyes, that thou ſhouldeſt preſume, either to defend or to practiſe that, vnder a pretence of ignorance, for which thou ſhalt finde neither ſound reaſon nor good authoritie; neither approbation of God in Scripture, nor of any Chriſtian Church, that is, or euer was vpon the face of the earth: look vnto it therfore, leſt that fearful cenſure of our bleſſed Sauiour fall vpon thee, which fell on thoſe accurſed Iewes: *Seeing they do not ſee, and hearing they doe not heare, neither vnderſtand. So in them is fulfilled the prophecie*

[c] Pag. 23. 24.
[f] Pag. 28. 29.
[g] Pag. 97.
[h] Pag. 124.
[i] Pag. 61. 62. 63.
Matth 13. verſ. 13. 14. 15.

prophecie of Eſaias, which ſaith; By hearing ye ſhall heare and ſhall not vnderſtand, and ſeeing yee ſhall ſee and ſhall not perceiue. For this peoples heart is waxed fat, and their eares are dull of hearing, and with their eyes they haue winked, leſt they ſhould ſee with their eies, and heare with their eares, and vnderſtand with their hearts, and ſhould returne, that I might heale them.

A wofull cenſure: let him looke his conſcience in that glaſſe, who will not looke into this point of vſurie for diſquieting his conſcience. I beſeech the Father of heauen, by his ſpirit of grace, to diſpoſſeſſe this age of that ſpirit of ſlumber, which maketh men like deafe adders, to ſtop their eares at the voice of ſo many Charmers.

FINIS.